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## **TITLE 14**

### **RS 14:403.4**

#### **§403.4. Burn injuries and wounds; reports; registry; immunity; penalties**

A. The purpose of this Section is to combat arson through the rapid identification and apprehension of suspected arsonists who may suffer burn injuries during the commission of their crimes. It is the further intent of this Section to provide for a central registry for burn injuries and wounds data from which effective fire and arson prevention and fire safety education programs may be developed.

B. In every case of a burn injury or wound in which the victim sustains second or third degree burns to five percent or more of the body or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury or wound which is likely to or may result in death shall be reported to the office of state fire marshal, code enforcement and building safety, hereinafter sometimes referred to as the "office". That office shall then immediately notify the appropriate local or state investigatory agency or law enforcement agency of the receipt of such report and its contents.

C.(1) An oral report shall be made within twenty-four hours of the examination or treatment of the victim. The report shall be made by the physician attending or treating the case, or by the manager, superintendent, director, or other person in charge whenever such case is treated in a hospital, burn center, sanitarium, or other medical facility. The report may be recorded electronically or in any other suitable manner, by the office of state fire marshal, code enforcement and building safety.

(2) The oral report shall contain the following information if known:

- (a) Victim's name, address, and date of birth.
- (b) Address where the burn injury occurred.
- (c) Date and time of the burn injury.
- (d) Degree of burns and percent of body burned.
- (e) Area of body injured.
- (f) Injury severity.
- (g) Apparent cause of burn injury.
- (h) Name and address of reporting facility.

(i) Name of the attending physician.

D.(1) The office shall maintain a central registry of all reported cases of the treatment or examination of persons with burn injuries or wounds. The registry may be used to provide information to those agencies whose duties include the investigation into possible arson activities.

(2) The office of state fire marshal, code enforcement and building safety, may adopt rules and regulations as may be necessary in carrying out the provisions of this Section. Specifically such rules shall provide for cooperation with local investigatory and law enforcement agencies and may also authorize law enforcement personnel and the state fire marshal to review those medical records of reported victims which relate to the burn without the consent of the victim.

E. No cause of action shall exist against any person who in good faith makes a report pursuant to this Section, cooperates in an investigation by any agency, or participates in any judicial proceeding resulting from such report.

F. Any person who knowingly files a false report shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Acts 1988, No. 641, §1; Acts 1991, No. 657, §1; Acts 1997, No. 1187, §2.

## **TITLE 22**

### **RS 22:1077**

#### **§1077. Fire marshal tax; Louisiana Fire Marshal Fund**

A. There is hereby levied an additional tax of one and one-fourth percent of the gross annual premium receipts from any business which insures property of any nature or description against loss or damage by fire, less return premiums on all insurers doing business in the state which insure property of any nature or description against loss or damage by fire. This tax shall be paid by all such insurers to the commissioner of insurance when paying their annual license taxes under this Part, and the commissioner of insurance shall refuse to issue a license to any insurer failing or refusing to pay this additional tax.

B. All funds received by the commissioner of insurance pursuant to Subsection A hereof shall be deposited immediately upon receipt into the state treasury.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection B hereof shall be credited to a special fund hereby created in the state treasury to be known as the "Louisiana Fire Marshal Fund". The monies in this fund shall be used solely as provided by Subsection D hereof and only in the amounts appropriated by the legislature. All unexpended

and unencumbered monies in the fund at the end of the fiscal year shall revert to the state general fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the state general fund, again, following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

D. The monies in the fund shall be used solely for the activities of the office of state fire marshal and only in the amount appropriated by the legislature. The fund shall be administered by the assistant secretary of the office of fire marshal of public safety services.

E. Except as otherwise specifically provided in R.S. 40:1563.5, there shall be no fees charged for inspections by the state fire marshal.

Acts 1958, No. 125; Amended by Acts 1958, No. 416, §1; Acts 1968, No. 446, §1; Acts 1972, No. 252, §1; Acts 1987, No. 738, §1; Acts 1991, No. 1056, §1; Acts 1993, No. 687, §1.

NOTE: See Acts 2003, No. 560, §§11 and 12 regarding balances in the fund for FY 2002-2003.

## **TITLE 23**

### **RS 23:531**

#### **PART III. REGULATIONS AFFECTING BOILERS**

##### **§531. Assistant secretary of office of state fire marshal, code enforcement and building safety to make rules**

A. The assistant secretary of the office of state fire marshal, code enforcement and building safety of the Department of Public Safety and Corrections, hereinafter in this Chapter referred to as the assistant secretary, shall have the exclusive power to investigate, and to promulgate rules and regulations for the proper construction, installation, repair, use, operation, and safety of boilers in this state and to issue orders for the enforcement of such rules and regulations as well as any provisions of law affecting boilers.

B. The rules and regulations so formulated shall conform as nearly as practicable to the boiler construction code of the American Society of Mechanical Engineers (ASME). Boilers and pressure vessels requiring ASME Code stamping by the owner, user, or fabricator in shop or field fabrication, assembly, modification, or repair shall be inspected in accordance with the ASME Code and national board standards.

Amended by Acts 1975, No. 239, §1. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

### **RS 23:532**

### **§532. Adoption, amendment, or repeal of regulations; effective date**

A. Before any rule or regulation is adopted, amended, or repealed, a public hearing or opportunity to be heard thereon by the public shall be given, of which ten days' notice shall be given in one or more newspapers of general circulation in the state. Such rules and regulations shall become effective after publication in one or more newspapers of general circulation in the state, or at such later time as the assistant secretary may fix, and shall thereafter have the force and effect of law.

B. No rule, regulation or amendment thereto applying to the construction of new boilers, or raising the standards governing the method of construction of new boilers or the quality of material used in them, shall become effective to prevent the installation of such until six months after publication. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

### **RS 23:533**

#### **§533. Printing of laws, rules, and regulations**

The assistant secretary shall cause to be printed for distribution to the public, the text of this Part, rules and regulations, and any other matter he deems relevant and suitable, and shall furnish the same to any person upon application therefore. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

### **RS 23:534**

#### **§534. Duties of assistant secretary**

The assistant secretary shall:

(1) Employ and compensate, with the approval of the governor, inspectors and other assistants and employees as he may deem necessary for the exercise of the powers and the performance of the duties prescribed in this Part.

(2) Have free access for himself or authorized representatives to any premises in the state where a boiler is being constructed, installed, or operated, for the purpose of ascertaining whether such boiler is built, repaired, installed, or operated in accordance with the provisions of this Part.

(3) Prosecute all violators of the provisions of this Part.

(4) Issue, suspend, or revoke inspection certificates allowing boilers to be operated, as provided in this Part.

(5) Draw upon the state treasurer for funds necessary to meet any expense authorized by this Part which, in addition to the salaries of employees, shall include necessary traveling expenses and the expenses incident to the maintenance of any offices required in the state.

(6) Enforce the laws governing the use of boilers and to enforce the rules and regulations of the assistant secretary.

(7) Keep a complete record of the type, dimensions, age, condition, pressure allowed upon, location, and date of the last inspection, of all boilers to which this Part applies.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

## **RS 23:535**

### **§535. Special inspectors**

A. In addition to the personnel authorized by R.S. 23:534(1), the assistant secretary may, upon the request of any company authorized to insure against loss from explosion of boilers in this state, appoint the boiler inspectors of the said company as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors. These special inspectors shall receive no salary from nor shall any of their expenses be paid by the state.

The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of inspection fees required in R.S. 23:541. Each company employing such special inspectors shall, within thirty days following each annual internal inspection made by them, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

B. In addition to the personnel authorized by R.S. 23:534(1), the assistant secretary may, upon the request of director of safety and permits for the city of New Orleans, appoint boiler inspectors of the city of New Orleans as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors, or the equivalent if the national board refuses to certify local inspectors due to population limits. These special inspectors shall receive no salary from nor shall any of their expenses be paid by the state. The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ as a boiler inspector of the city of New Orleans duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers in the city of New Orleans, and the owners or users of such boilers shall be exempt from the payment of inspection fees required in R.S. 23:541. The director of safety and permits for the city of New Orleans shall, within thirty days following each annual internal inspection made by such special inspectors, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

C. The assistant secretary shall have the authority to:

(1) Revoke inspector recognition for cause and only after an administrative hearing.

(2) Monitor inspection activities by the special inspectors for the city of New Orleans.

(3) Follow up on overdue repair reports with the New Orleans inspection agency.

(4) Promulgate rules and regulations through the Administrative Procedure Act as may be deemed necessary for the implementation of the provisions of this Section.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

## **RS 23:536**

### **§536. Annual inspection of boilers**

A. Each power boiler and high-pressure, high temperature water boiler used or proposed to be used, except boilers exempt under R.S. 23:540 and except as otherwise provided in this Part, shall receive a certificate inspection annually which shall be an external inspection while the boiler is under normal operating conditions. Such boilers shall also be inspected internally where construction permits at about six months after each external inspection. Except as provided in Subsection B, no more than fourteen months shall elapse between internal inspections. However, any power boiler, the operation of which is an integral part of or necessary adjunct to other continuous operations, shall be inspected internally and issued certificates at such intervals as are permitted by planned or scheduled shutdown of the processing operation of five days or more in duration occurring after three years have elapsed since the last inspection of the boiler, but not exceeding five years between such intervals.

B. Upon the approval of the assistant secretary or his designated representative, the interval between internal inspections may be extended for a period not to exceed twenty-four months on stationary boilers provided: (1) continuous water treatment under competent and experienced supervision has been in effect since the last internal inspection for the purpose of controlling and limiting corrosion and deposits, (2) accurate and complete records are available showing that since the last internal inspection samples of boiler water have been taken at regular intervals not greater than twenty-four hours of operation and that the water condition in the boiler is satisfactorily controlled, (3) accurate and complete records are available showing the dates, if any such boiler has been out of service and the reasons therefor since the last internal inspection, and such records shall include the nature of all repairs to the boiler, the reasons why such repairs were necessary and by whom the repairs were made, and (4) the last internal and current external inspection of the boiler indicates the inspection period may be safely extended. When such an extended period between internal

inspections has been approved by the assistant secretary or his designated representative, as outlined in this Section, a new certificate of operation shall be issued for that extended period of operation, and the inspection certificate fees shall be double the annual fees provided by law.

C.(1) Low pressure boilers shall receive a certificate inspection biennially.

(a) Steam or vapor boilers shall have an external inspection and an internal inspection every two years where construction permits;

(b) Hot water heating and hot water supply boilers shall have an external certificate inspection every two years and where construction permits, an internal inspection at the discretion of the inspector; and

(c) Potable water boilers shall have an external certificate inspection every two years.

(2) Inspections shall include the functions of all controls and devices. If at any time a hydrostatic test is deemed necessary to determine the safety of a boiler, the test shall be made at the discretion of the assistant secretary or his designated representative.

Amended by Acts 1966, No. 249, §1. Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 736, §1, eff. Jan. 1, 1987; Acts 1995, No. 43, §1

## **RS 23:537**

### **§537. Certificates of inspection; fees; issuance and suspension**

A.(1) If, upon inspection, a boiler is found to be suitable and to conform to the rules and regulations of the assistant secretary, he shall issue to the owner or user thereof an inspection certificate specifying the maximum pressure which the boiler may be allowed to carry.

(2) A fee of twenty dollars shall be charged by the assistant secretary for the issuance of each inspection certificate, which shall be valid for not more than fourteen months from its date. A fee of forty dollars shall be charged for a certificate issued relative to an extension of internal inspection, and when inspection frequencies may be extended to two years for certain boilers. A fee of two hundred dollars shall be charged by the assistant secretary for the issuance of each inspection certificate valid for a time period not to exceed five years as permitted by R.S. 23:536(A).

(3) The inspection certificate shall be posted under glass in the room containing the boiler. In the case of a potable boiler, the certificate shall likewise be posted in a metal container fastened to a machine or tool box accompanying the boiler. No inspection certificate issued for a boiler inspected by a special inspector shall be valid after the boiler for which it was issued ceases to be insured by an authorized insurance company.

B. The assistant secretary or his representative may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued cannot continue to be operated without menace to the public safety, or when the

boiler does not comply with the rules issued hereunder. The suspension of an inspection certificate shall continue in effect until the boiler has been made to conform to the rules and regulations of the assistant secretary governing the use of boilers, and until the inspection certificate has been reinstated.

C. The boiler inspection certificate fee provided for in this Section is intended to cover the cost of the issuance of the said certificates and the same shall be retained and disbursed by the assistant secretary.

Amended by Acts 1966, No. 258, §1; Acts 1968, No. 436, §1; Acts 1980, No. 485, §1; Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 1011, §1; Acts 1995, No. 43, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

## **RS 23:538**

### **§538. Operation of boiler without inspection certificate; penalty**

The operation of a boiler without an inspection certificate, or at a pressure exceeding that specified in such inspection certificate shall constitute a misdemeanor on the part of the owner, user or operator thereof punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or imprisonment for not less than ten days, nor more than ninety days, or both. Each day of such unlawful operation shall constitute a separate offense.

## **RS 23:539**

### **§539. Installation of boilers**

A. No boiler shall be installed after six months from the date upon which the rules and regulations formulated by the assistant secretary governing new installations shall have become effective, unless the boiler conforms to such rules and regulations.

B. All boilers installed and ready for use, or being used, before the six months shall have elapsed, shall be made to conform to the rules and regulations of the assistant secretary governing existing installations, and the formulas therein prescribed shall be used in determining the maximum allowable working pressure therefore.

C. All boilers to be installed after six months from the date upon which the rules and regulations of the assistant secretary shall become effective, shall be inspected during construction by an inspector authorized to inspect boilers in this state or, if constructed outside the state, by an inspector holding a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or a certificate of authority from the assistant secretary, which may be issued by him to any inspector who holds a certificate of authority to inspect boilers from a state which has adopted boiler rules that require standards of construction and operation substantially equal to those of this state.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

## **RS 23:540**

### **§540. Exemptions from provisions**

This Part shall not be construed as in any way preventing the use or sale of boilers which have been installed or in use in this state prior to July 7, 1938, and which have been made to conform to the rules and regulations of the assistant secretary governing existing installations, as provided in R.S. 23:539; nor shall this Part apply to boilers subject to inspection by any department or agency of the federal government; or to air tanks located on vehicles used for transporting passengers or freight; or to boilers of steam fire engines brought into the state for temporary use in times of emergency; or to portable boilers used for agricultural purposes only; or to steam heating boilers carrying not more than fifteen pounds pressure, and hot water heating and supply boilers used exclusively for noncommercial purposes located in any private home; or to boilers located in any private home.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

## **RS 23:541**

### **§541. Fees for inspection**

A. The owner or user of a boiler required by this Part to be inspected by the assistant secretary or his representative shall pay to the assistant secretary an inspection fee based on the following schedule:

- |                                                                        |            |          |          |
|------------------------------------------------------------------------|------------|----------|----------|
| (1) Potable-water boilers                                              | \$15.00    |          |          |
| (2) Heating boilers                                                    | \$35.00    |          |          |
| (3) Power boilers                                                      |            | External | Internal |
| (a) 100 sq. ft. or less heating surface                                |            | \$20.00  | \$ 50.00 |
| (b) Over 100 sq. ft. and not exceeding<br>1000 sq. ft. heating surface |            | \$35.00  | \$ 75.00 |
| (c) Over 1000 sq. ft. heating surface                                  |            | \$70.00  | \$150.00 |
| (4) Electric boilers                                                   |            | \$30.00  | \$ 50.00 |
| (5) Coil-type steam generators                                         |            | \$50.00  |          |
| (6) Special inspections                                                |            |          |          |
| (a) \$300.00 and expenses for up to one-half day                       | \$ 250.00* |          |          |
| (b) \$600.00 and expenses for one day                                  | \$ 500.00* |          |          |
| (7) Quality control program reviews                                    |            |          |          |
| (a) Boiler and pressure vessel manufacturers and repair organizations  |            |          |          |
| (1) \$250.00 and expenses for up to one-half day                       |            |          |          |
| (2) \$400.00 and expenses for one day                                  |            |          |          |
| (b) Safety valve assembly and repair organizations                     |            |          |          |

- (1) \$250.00 and expenses for up to one-half day
- (2) \$400.00 and expenses for one day
- (8) Nuclear surveys
  - (a) \$250.00 and expenses for up to one-half day
  - (b) \$500.00 and expenses for one day

B. Failure to pay any of the inspection fees herein provided within thirty days from the date of the inspection will subject the owner or user, or the person requesting the special inspection, as the case may be, to a penalty of twenty-five per centum of the original amount of the inspection fee.

C. The fees for inspection provided for in this Section are intended to defray the cost of employment of boiler and pressure vessel inspectors and the same shall be retained and disbursed by the assistant secretary for this purpose.

D. Any provision herein contained or in other laws to the contrary notwithstanding, the provisions of this Section shall not be applicable to commercial potable-water boilers of fifty gallon capacity or less.

E. The manufacturer of a boiler or pressure vessel required by this Part to be inspected shall pay to the assistant secretary an inspection fee for the ASME, or National Board of Boiler and Pressure Vessel Inspectors "Shop Reviews for Certificate of Authorization", or both, in the amount of one thousand five hundred dollars per location review.

Amended by Acts 1968, No. 437, §1; Acts 1975, No. 240, §1; Acts 1980, No. 446, §1; Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 1011, §1; Acts 1999, No. 346, §1, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 90, §1.

\*As appears in enrolled bill.

## **RS 23:542**

### **§542. Fidelity bonds of employees**

The assistant secretary may in his discretion require any employee to furnish a bond conditioned upon the faithful performance of his duties and upon a true account of moneys handled by him. The cost of these bonds shall be paid by the assistant secretary as a necessary administrative expense.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

## **RS 23:543**

### **§543. Installation, moving, or reinstallation of power boilers, steam heating, or hot water boilers; licensing; examination; fees**

A. Every person, firm, or corporation engaged in the installation, moving, or reinstallation of power boilers, steam heating, or hot water heating boilers in this state shall be licensed by the assistant secretary to perform such work. Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.

B. The annual license fee shall be seventy-five dollars payable prior to issuance of such license, and on or before January thirty-first of each year.

C. Every person, firm, or corporation engaged in the installation of power boilers, steam heating, or hot water heating boilers shall, before a license is issued by the assistant secretary, pass a written examination administered by the chief boiler inspector. Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.

D. The fee for this examination shall be fifty dollars, payable at the time of examination.

Acts 1988, No. 382, §1; Acts 1997, No. 1395, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

## **RS 23:544**

### **§544. Application for installation, moving, or reinstallation of a boiler, except in New Orleans; fee**

A. When any boiler in this state, the city of New Orleans excepted, is to be installed, moved, or reinstalled, the installer must be licensed by the assistant secretary to perform such work and shall submit an application to the chief boiler inspector. The application shall list the location of the boiler, the date installation is to be completed, the trade name of the boiler, the type of boiler, and the manufacturer's and National Board's identifying number.

B. This application for permit to install, move, or reinstall a boiler shall be accompanied by a permit fee of twenty-five dollars.

Acts 1988, No. 382, §1; Acts 1997, No. 1395, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

## **RS 23:545**

### **§545. Penalties**

No boiler in this state, the city of New Orleans excepted, shall be installed, moved, or reinstalled without a permit issued to a licensed person by a chief boiler inspector. Whoever fails to comply with the provisions of R.S. 23:543 and 544 shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both. Each violation hereunder shall constitute a separate offense.

Acts 1988, No. 382, §1.

## **TITLE 40**

### **PART VII. REGULATION OF AMUSEMENT ATTRACTIONS AND RIDES**

## **SUBPART A. REGULATION**

### **RS 40:1484.1**

#### **§1484.1. Short title**

This Part shall be known and may be cited as the Amusement Rides Safety Law.

Added by Acts 1985, No. 733, §1; Acts 2003, No. 928, §2.

### **RS 40:1484.2**

#### **§1484.2. Definitions**

As used in this Part, the following definitions shall apply unless otherwise indicated:

(1) "Air-supported structure" means any amusement attraction that incorporates a structural and mechanical system that employs a high-strength fabric or film that achieves its strength, shape, and stability by pretensioning with internal air pressure, all of which are intended to provide an enclosed area for the self-enjoyment of those so confined within.

(2) "Amusement attraction" means any building or structure around, over, or through which people may move or walk, without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills, or excitement. "Amusement attraction" does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

(3) "Amusement ride" means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" also includes any mechanized device or combination of devices of a permanent nature even though such device or combination of devices is subject to building regulations issued by cities or parishes and existing applicable safety orders.

(4) "Assistant secretary" means the assistant secretary of the office of the state fire marshal, code enforcement and building safety in the Department of Public Safety and Corrections, or his designee.

(5) "Certificate of inspection" means a certificate issued by the assistant secretary of the office of the state fire marshal, code enforcement and building safety, subsequent to an inspection by an inspector.

(6) "Department" means Department of Public Safety and Corrections.

(7) "Inspector" means a person who is a licensed engineer experienced in materials testing or a person who is certified by and maintains at least a Level 1 certification from the National Association of Amusement Ride Safety Officials or

who has an equivalent certification as determined by rules promulgated by the assistant secretary pursuant to this Part. Such person must be registered with and commissioned by the assistant secretary to assure that he possesses the minimum qualifications. Such person shall not inspect any amusement ride or attraction if he is also the operator of the same.

(8) "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement attraction or ride or more than one air-supported structure. "Operator" may include an agency of the state or any of its political subdivisions.

Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 413, §1; Acts 2000, 1st Ex. Sess., No. 59, §1; Acts 2003, No. 488, §1; Acts 2003, No. 490, §1.

## **RS 40:1484.3**

### **§1484.3. Rules adopted**

The assistant secretary shall adopt and issue rules, in accordance with the provisions of the Administrative Procedure Act, establishing standards for the installation, repair, maintenance, use, operation, and inspection of amusement attractions and rides for the protection of the public. The rules shall be based upon generally accepted engineering standards and shall be concerned with but not necessarily limited to engineering force stresses, safety devices, and preventive maintenance. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement attractions or amusement rides.

Added by Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

## **RS 40:1484.4**

### **§1484.4. Inspection by secretary; certificate of inspection required**

A. Except for the purpose of testing, training, and inspection, no air-supported structure, amusement attraction or ride shall be operated in this state without an inspection having been conducted by an inspector and a certificate of inspection having been issued by the assistant secretary to an operator of such equipment.

B.(1) Every air-supported structure, amusement ride or attraction shall be inspected by an inspector for safety and subjected to nondestructive testing in accordance with ASTM-F-24 at least annually.

(2) Upon completion of each inspection required under this Subsection, the inspector shall certify the results of his inspection to the assistant secretary who shall issue a certificate of inspection as provided in Subsection D of this Section.

C.(1) At least thirty days prior to commencing operation of any air-supported structure, amusement ride or attraction, except for the purpose of testing, training, and inspection, the operator shall give written notification to the assistant secretary of his intent to commence operation of the amusement ride or attraction. Any operator who fails to give written notification to the assistant secretary of his intent to commence operation of the amusement ride or attraction shall be fined one hundred dollars. If, after the notification, the operator changes his schedule of locations or dates, he immediately shall notify the assistant secretary of the change. Operators shall be fined one hundred dollars for any change in schedule of location or date that occurs less than fourteen days prior to the commencement of operation of the amusement ride or attraction.

(2) Prior to operating any new air-supported structure, amusement ride or attraction, the operator shall notify the assistant secretary of his intent to commence operations and shall furnish the assistant secretary with a copy of a current certificate of inspection issued pursuant to Subsection D of this Section.

(3) The assistant secretary shall inspect all air-supported structures, amusement rides or attractions operating in the state at least once during the duration of the event at which the air-supported structure, amusement ride or attraction is being operated. In the case of air-supported structures, amusement rides or attractions that operate at fixed locations for more than one year, the assistant secretary shall inspect such air-supported structures, amusement rides or attractions at least annually. The inspection shall be to assure compliance with the provisions of this Part and the rules, regulations, and standards adopted pursuant thereto. The assistant secretary shall have free access to any premises in the state where an air-supported structure, amusement ride or attraction is being installed, built, repaired, or operated, for the purpose of ascertaining whether such air-supported structure, amusement ride or attraction is being installed, built, repaired, or operated in accordance with the provisions of this Part or the rules and regulations adopted pursuant thereto.

(4)(a) The provisions of this Subsection and R.S. 40:1484.5(B) shall not apply to air-supported structures except when air-supported structures meet any of the following provisions:

(i) Are open to public access at an event at which the state fire marshal would otherwise be required to be present pursuant to this Subsection.

(ii) Are not located on the grounds of a one- or two-family dwelling.

(iii) Are co-located with other amusements, attractions, or rides governed by this Subsection.

(b) The assistant secretary or his designee shall have free access to any premises in the state where an air-supported structure is located for operation, when the air-supported structures are either (i) open to public access at an event at which the state fire marshal would otherwise be required to be present; or (ii) not located on the grounds of a one- or two-family dwelling; or (iii) co-located with other amusement attractions or rides governed by this Subsection. The assistant

secretary or his designee shall ascertain whether such air-supported structure has a valid certificate of inspection.

(c) The assistant secretary shall issue a cease and desist order to the party responsible for operation of any air-supported structure that does not immediately produce a valid certificate of inspection for review. Failure to honor a cease and desist order issued pursuant to this Paragraph shall be punishable by a fine of two hundred fifty dollars for each day of the violation.

(d) The provisions of R.S. 40:1484.10(E) shall apply to this Paragraph.

(e) The party responsible for the operation of an air-supported structure shall give written notification to the assistant secretary of the physical location of their principal place of business. If, after written notification, the location of their principal place of business changes, the party responsible shall immediately notify the assistant secretary of the change.

(f) The assistant secretary or his designee shall have the authority to publish a listing of all non-compliant operators and make such list available to the public upon written demand.

D.(1) If the inspection provided for in Subsection B of this Section discloses that an air-supported structure, amusement ride or attraction complies with all relevant provisions of this Part and the adopted standards and regulations, the assistant secretary shall issue a certificate of inspection valid for not more than twelve months from the date of issuance for the air-supported structure, amusement ride or attraction.

(2) The certificates shall be posted, in plain view, on the air-supported structure, amusement ride or attraction.

Added by Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 347, §§1, 2, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 59, §1; Acts 2003, No. 465, §1; Acts 2003, No. 488, §1; Acts 2003, No. 490, §1.

## **RS 40:1484.5**

### **§1484.5. Fees**

A. Fees for inspection certificates as provided for in R.S. 40:1484.4 shall be as follows:

(1) For rides which are designed for seventy-five pounds or less per passenger unit, one hundred dollars for each inspection certificate.

(2) For rides which are designed for seventy-five pounds or more and for which the manufacturer's recommended assembly time is less than forty work hours, one hundred fifty dollars for each inspection certificate.

(3) For rides for which the manufacturer's recommended assembly time is forty work hours or more, two hundred dollars for each inspection certificate.

(4) For air-supported structures, twenty dollars for each inspection certificate.

B. Fees for inspections conducted by the assistant secretary in accordance with the provisions of R.S. 40:1484.4(C)(3) shall be twenty dollars per amusement ride or attraction. Should such inspection require a reinspection to determine that deficiencies noted in the inspection have been corrected, the operator shall be charged a fee of thirty-five dollars per hour in addition to reasonable expenses incurred as the result of the reinspection.

C. Fees for the registration and commissioning of inspectors as defined in R.S. 40:1484.2 shall be fifty dollars for the first year and twenty-five dollars for each renewal year.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 347, §1, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 59, §1.

## **RS 40:1484.6**

### **§1484.6. Administration of Part; personnel**

The assistant secretary is authorized to conduct such investigations as are reasonably necessary to assure compliance with this Part, to employ such persons as he may deem qualified consistent with applicable civil service regulations, and to incur such other expenses as may be required in connection with the administration of this Part.

Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

## **RS 40:1484.7**

### **§1484.7. Notice of violation of standard**

If after inspection or investigation of any amusement ride or attraction, the assistant secretary determines that the amusement ride or attraction is in violation of any standard promulgated under this Part, and that there may be a substantial probability of death or serious physical injury to the public from its continued use, a notice of violation shall be given in writing to the operator of the amusement ride or attraction. A copy of the notice shall be attached to the amusement ride or attraction. After the notice of violation is issued, the use of the amusement ride or attraction is prohibited. The notice of violation issued by the assistant secretary shall constitute a cease and desist order, the violation of which shall constitute a misdemeanor offense punishable by a fine of not more than one thousand dollars and imprisonment for not more than thirty days or both. The notice may not be removed until the amusement ride or attraction is made safe for public use and the required safeguards are provided. The notice may not be removed except by the assistant secretary.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

## **RS 40:1484.8**

### **§1484.8. Judicial review**

Judicial review of any action of the assistant secretary may be sought in accordance with the provisions of the Administrative Procedure Act.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1.

## **RS 40:1484.9**

### **§1484.9. Insurance; bond**

A. No person shall operate an amusement attraction or ride unless at the time there is in existence:

(1) A policy of insurance in an amount of not less than one million dollars insuring the operator against liability for injury suffered by persons riding the amusement attraction or ride; or

(2) A bond in a like amount; provided, the aggregate liability of the surety under any such bond shall not exceed the face amount thereof.

B. A certificate verifying coverage shall be filed with the office of the state fire marshal, code enforcement and building safety.

C. In the event of cancellation of the policy or bond the assistant secretary shall be notified immediately by either the insurer or the bond holder no later than ten days prior to cancellation.

D. The operator shall provide to any sponsor, lessor, landowner, or other person responsible for the offering of an amusement ride or attraction for public use a copy of the required insurance policy or bond and the inspection certificate issued by the assistant secretary.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

## **RS 40:1484.10**

### **§1484.10. Violations and penalties; injunctive relief**

A. The assistant secretary may assess a civil penalty of not more than two hundred fifty dollars for each violation of the provisions of this Part or of the rules and regulations adopted by the assistant secretary. Each day on which a violation occurs shall be considered a separate offense.

B. Penalties may be assessed only by a ruling of the assistant secretary based on an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. The assistant secretary may institute civil proceedings to enforce the rulings of the assistant secretary in the district court for the parish in which the violation occurred.

D. The assistant secretary may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Part, or of the rules and regulations adopted by the assistant secretary, in the district court for the parish in which the violation occurred.

E. In addition to the foregoing provisions, the assistant secretary may assess those civil penalties attributable to the operator of an amusement ride or attraction to the owner or lessee of the site on which the amusement ride or attraction is located, if the owner or lessee of the site failed to reasonably determine that the operator of the amusement ride or attraction is properly in compliance with the requirements of this Part.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §2.

## **RS 40:1484.11**

### **§1484.11. Exemptions**

The following amusement attractions or rides are exempt from the provisions of this Part:

(1) Nonmechanized playground equipment including, but not limited to, swings, seesaws, stationary spring-mounted animal features, underpropelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located.

(2) An amusement attraction or ride which is owned and operated by a nonprofit religious, educational, or charitable institution or association if such attraction or ride is located within a building subject to inspection by the assistant secretary of the office of the state fire marshal, code enforcement and building safety or by any local governmental subdivision of the state under its building, fire, electrical, and related public safety ordinances.

(3) Coin-operated mechanical devices occupying less than thirty-six square feet of floor space.

(4) Nonmotorized rides and attractions.

(5) Repealed by Acts 2000, 1st Ex. Sess., No. 59, §2.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1999, No. 413, §1; Acts 2000, 1st Ex. Sess., No. 59, §2.

## **RS 40:1484.12**

### **§1484.12. Local regulation**

Nothing contained in this Part shall prevent any local governmental subdivision of this state from licensing or regulating any amusement attraction or ride, carnival, or circus as otherwise provided by law.

Added by Acts 1985, No. 733, §1.

## **RS 40:1484.13**

### **§1484.13. Waiver of inspection**

The assistant secretary may waive the requirement that an amusement attraction or ride or any part thereof be inspected before being operated in this state if an operator gives satisfactory proof to the assistant secretary that the amusement attraction or ride or any part thereof has passed an inspection conducted by a public agency whose inspection standards and requirements are at least equal to those requirements and standards established by the assistant secretary under the provisions of this Part. The appropriate inspection fees shall be paid before the assistant secretary may waive this requirement.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1.

## **SUBPART B. LOUISIANA CARNIVAL AND AMUSEMENT**

### **RIDER SAFETY ACT**

## **RS 40:1485.1**

### **§1485.1. Legislative findings**

The legislature hereby finds and declares that:

(1) Carnival or amusement rides are used by a large number of citizens of this state and also attract to this state a large number of nonresidents, significantly contributing to the tourism industry and tax base of this state.

(2) The safety of the public using carnival or amusement rides is an important matter of public policy.

(3) There are inherent risks associated with all machinery, equipment, or animals that are impractical or impossible for an amusement owner to eliminate with all reasonable safety precautions, and an informed rider is in the best position to avoid those risks.

(4) The safety of carnival or amusement rides will be greatly improved at minimal cost if riders are subject to minimum safety standards for their own protection and the protection of others.

Acts 2003, No. 928, §1.

## **RS 40:1485.2**

### **§1485.2. Definitions**

For the purposes of this Subpart, the following terms and phrases shall have the meanings ascribed to them:

(1) "Carnival or amusement ride" means either of the following:

(a) A device that is intended to give amusement, excitement, pleasure, or thrills to riders whom the device carries along or around a fixed or restricted course or within a defined area.

(b) A structure that gives amusement, excitement, pleasure, or thrills to people who move around, over, or through the structure without the aid of a moving device integral to the structure.

(2) "Owner" means a person, the state, or a political subdivision of the state that owns an amusement ride or, if the ride is leased, the lessee of the ride.

(3) "Parent or guardian" means each parent, custodian, or guardian responsible for the control, safety, training, or education of a minor, disabled, or incompetent rider.

(4)(a) "Rider" means any person who is:

(i) Waiting in the immediate vicinity to enter a carnival or amusement ride.

(ii) Entering a carnival or amusement ride.

(iii) Using a carnival or amusement ride.

(iv) Exiting a carnival or amusement ride.

(v) Leaving a carnival or amusement ride and still in the immediate vicinity of the ride.

(b) The term "rider" does not include employees or agents of the owner while engaged in the duties of their employment.

(5) "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including but not limited to placards, prerecorded messages, live public addresses, stickers, pictures, pictograms, guidebooks, brochures, video, verbal information, and visual signals.

Acts 2003, No. 928, §1.

## **RS 40:1485.3**

### **§1485.3. Reporting rider injury**

A. A rider, or his parent or guardian on the rider's behalf, shall report in writing to the owner any injury sustained on a carnival or amusement ride before leaving the owner's premises, including:

(1) The name, address, and phone number of the injured person.

(2) A full description of the incident, the injuries claimed, any treatment received, and the location, date, and time of the injury.

(3) The cause of the injury, if known.

(4) The names, addresses, and phone numbers of any witnesses to the incident.

B. If the rider, or his parent or guardian on a rider's behalf, is unable to file a report because of the severity of his injuries, he shall file the report as soon as reasonably possible.

C. The failure of a rider, or his parent or guardian on a rider's behalf, to report an injury as required by this Section shall have no effect on the rider's right to commence a civil action.

Acts 2003, No. 928, §1.

## **RS 40:1485.4**

### **§1485.4. Code of rider conduct**

A. A rider shall obey the posted rules, warnings, and oral instructions for a carnival or amusement ride issued by the owner or his employee or agent.

B. A rider shall refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:

- (1) Exceeding the limits of the rider's ability.
- (2) Interfering with the safe operation of the carnival or amusement ride.
- (3) Failing to engage any safety devices provided for the rider's safety.
- (4) Disconnecting or disabling a safety device except at the express instruction of the owner's agent or employee.
- (5) Altering or enhancing the intended speed, course, or direction of a carnival or amusement ride.
- (6) Using the controls of a carnival or amusement ride designed solely to be operated by the owner's agent or employee.
- (7) Extending arms and legs beyond the carrier or seating area except at the express direction of the owner's agent or employee.
- (8) Throwing, dropping, or expelling an object from or toward a carnival or amusement ride except as permitted by the owner's agent or employee.
- (9) Entering or exiting a carnival or amusement ride except at the designated time and area, if any, at the direction of the owner's agent or employee.
- (10) Unreasonably controlling the speed or direction of the carnival or amusement ride that requires the rider to control or direct himself or a ride.
- (11) Overloading a carnival or amusement ride beyond its designated capacity.

Acts 2003, No. 928, §1.

## **RS 40:1485.5**

### **§1485.5. Rider qualifications**

A rider shall not enter or attempt to enter a carnival or amusement ride unless the rider, or his parent or guardian on a rider's behalf, reasonably determines that, at a minimum:

- (1) The rider has sufficient knowledge to use, enter, or exit the carnival or amusement ride safely without instruction or has requested and received, before entering the carnival or amusement ride, sufficient information to enter, use, or exit the ride safely.

(2) The rider has located, reviewed, and understood any signs in the vicinity of the carnival or amusement ride and has satisfied any posted height or other restrictions.

(3) The rider knows the range and limits of his ability and knows the requirements of the carnival or amusement ride will not exceed those limits.

(4) The rider is not under influence of alcohol or any drug that affects his ability to safely use the carnival or amusement ride or obey the posted rules or oral instructions.

(5) The rider is authorized by the owner's authorized agent or employee to enter the carnival or amusement ride.

Acts 2003, No. 928, §1.

## **RS 40:1485.6**

### **§1485.6. Parent or guardian conduct**

Parents or guardians of riders have a duty to ensure that a rider complies with all provisions of this Subpart.

Acts 2003, No. 928, §1.

## **RS 40:1485.7**

### **§1485.7. Notice to riders**

A. The owner shall display signs at the following places:

(1) Any station for reporting an injury.

(2) Any first aid station.

(3) Either of the following places:

(a) Any entrance or exit to or from the premises designated for riders.

(b) Any area or structure at which riders may purchase admission or obtain authority to use a carnival or amusement ride.

B. All signs required by this Section shall include a legend providing that "STATE LAW REQUIRES RIDERS TO OBEY ALL WARNINGS AND DIRECTIONS AND BEHAVE IN A MANNER THAT WILL NOT CAUSE OR CONTRIBUTE TO INJURING THEMSELVES OR OTHERS. RIDERS SHOULD REPORT ALL INJURIES BEFORE LEAVING THE EVENT PREMISES."

Acts 2003, No. 928, §1.

## **RS 40:1485.8**

### **§1485.8. Criminal penalty**

If a person willfully violates any provision of this Subpart, the person shall be guilty of a misdemeanor and, upon conviction of the first offense, shall be

subject to a fine not to exceed twenty-five dollars and for subsequent convictions, up to one hundred dollars.

Acts 2003, No. 928, §1.

## **TITLE 40**

### **PART III. STATE FIRE MARSHAL**

#### **SUBPART A. GENERAL INSPECTIONS**

##### **RS 40:1561**

###### **§1561. Recognition; appointment; term; compensation; qualifications**

A. There shall be a fire marshal of the state of Louisiana who shall be appointed by the governor for a term coextensive with his own. The state fire marshal shall have the following qualifications:

(1) have a college degree or have at least ten years experience in the fire service with five of such years as a district chief or higher position or chief of a fire prevention bureau or equivalent experience;

(2) have at least two years experience in management and personnel supervision;

(3) have been continuously engaged in the fire protection field for at least five years; and

(4) has demonstrated through his past endeavors his ability to perform the functions assigned to his office.

B. The office of fire marshal of the State of Louisiana shall be subject to and regulated by the provisions of Chapter 1 of Title 39 and particularly with respect to the requirements of budgetary control and central purchasing.

C. The state fire marshal shall receive a minimum annual salary of seventeen thousand five hundred dollars. The qualifications set forth in this section shall take effect as of the day beginning the next gubernatorial term.

Amended by Acts 1956, No. 94, §1; Acts 1965, No. 53, §1; Acts 1967, No. 86, §1; Acts 1968, No. 479, §1; Acts 1970, No. 419, §1; Acts 1974, No. 222, §1.

##### **RS 40:1562**

###### **§1562. Assistants and deputies**

A. The fire marshal may appoint a first assistant at a salary that he deems reasonable. The first assistant shall have the same qualifications as are required of the state fire marshal.

B. The fire marshal may also appoint such deputies, counsel, and other officers and employees as he thinks necessary for the proper performance of the

duties imposed upon him by the provisions of this part. In these appointments, the fire marshal shall use the funds necessary for such purpose and available to him from the fire marshal fund in the state treasury and from appropriations made by the legislature.

Amended by Acts 1956, No. 94, §1; Acts 1970, No. 419, §1; Acts 1974, No. 230, §1; Acts 1981, No. 655, §1.

## **RS 40:1563**

### **§1562.1. Organization of fire marshal's office**

The fire marshal's office shall be organized into the following sections:

- A. Administrative
- B. Engineering
- C. Inspection
- D. Investigation

Added by Acts 1974, No. 231, §1.

## **RS 40:1563**

### **§1563. Powers and duties generally; use of deputies; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees**

A. The fire marshal shall take all steps necessary and proper to protect life and property from the hazards of fire and of panic which may arise from fire or from the threat of fire or explosion.

B. Except for those open structures and process structures as defined in Subsection J of this Section the fire marshal shall supervise the following:

(1) The construction and maintenance of exits, including fire escapes, exit doors, and emergency lighting.

(2) The installation and operation of heating, air conditioning, and ventilating systems.

(3) The use of flammable materials for decorative purposes in places of public assembly.

(4) The inspection of all structures, except one- and two-family dwellings and movables, for the purpose of reducing or eliminating fire hazards.

C.(1) The fire marshal shall not conduct or supervise inspections pursuant to the provisions of Paragraphs (1), (2), (3), and (4) of Subsection B of this Section within the jurisdiction of any local governing authority in which a fire prevention bureau has been properly established by special ordinance and accompanying resolution as provided in this Section, except as provided in Paragraph (5) of this Subsection.

(2) The local governing authority may properly establish a fire prevention bureau by special ordinance and accompanying resolution as provided in this

Section and a fire prevention bureau thus established may apply for certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of the special ordinance which conforms to the following requirements which are applicable to existing fire prevention bureaus:

(a) The fire prevention bureau must be headed by a chief of a fire department or a person designated by the chief of a fire department.

(b) The fire prevention bureau must be staffed with qualified individuals whose credentials have been reviewed by the fire marshal and who have successfully completed, according to criteria established by the fire marshal, special training in fire inspection and fire codes in a course approved by the fire marshal at the Louisiana State University Fire and Emergency Training Institute or a course deemed equivalent or superseding by the fire marshal.

(c) Requiring adoption as a minimum standard those codes as adopted and enforced by the state fire marshal.

(d) Requiring copies of inspection reports to be filed with the state fire marshal's office on forms acceptable to the fire marshal.

(e) Requiring continuing education as necessary to maintain standing through a training program recognized by the fire marshal.

(f) Recognizing the authority of the fire marshal to monitor the performance of the fire prevention bureau in the performance of those functions which would otherwise be performed by the fire marshal.

(3) The fire marshal shall revoke certification of a local fire prevention bureau for cause, including but not limited to failure to submit reports of inspections for six consecutive months, after notice and an administrative hearing, in accordance with the Administrative Procedure Act.

(4) The fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and schools where applicable, and the applicable federal and state life safety codes shall be the codes applying to these facilities. Nothing contained herein shall limit the right of the local fire department to consult with the fire marshal or otherwise restrict the authority of the local fire department to conduct fire preplanning for any occupancy within its jurisdiction.

(5) The fire marshal shall not conduct or supervise inspections in all remaining matters where a fire prevention bureau is properly certified unless specifically requested by the fire prevention bureau or the local governing body of that jurisdiction or upon complaint of any citizen. The fire marshal may, at his discretion, report any complaint received from a citizen to the appropriate fire prevention bureau and the fire marshal may conduct a joint inspection with the fire prevention bureau.

(6) The monitoring function conferred upon the fire marshal by this Section is solely intended to achieve the equal, effective enforcement of the state's adopted fire protection, life safety, and handicapped accessibility laws, codes, rules, and regulations. It is not intended that the fire marshal shall retain or

assume responsibility or liability for inspections performed by fire prevention bureaus. The local governing authority shall, by specific resolution accompanying the ordinance creating the fire protection bureau, assume the responsibility for and release the fire marshal and any other state entity from responsibility or liability for those inspections performed by the fire prevention bureau, or the consequences thereof, within the jurisdiction of the governing authority.

D. For the purpose of this Part, a "fire prevention bureau" is defined as any agency of a locally governed jurisdiction staffed by qualified individuals whose qualifications have been reviewed by the fire marshal whose responsibility it is under the laws or ordinances of that locally governed jurisdiction to inspect structures, watercraft, and movables for compliance with the appropriate fire code applicable as provided in R.S. 40:1578.6 and to conduct investigations of fires in accordance with the provisions of R.S. 40:1566 and R.S. 40:1568.

E. In the execution of the duties imposed upon him by this Part, the fire marshal may designate any of his regular, salaried deputies to act for him except with respect to matters of appeal from notices for the abatement of hazardous conditions, as provided in R.S. 40:1577.

F. The fire marshal shall have the authority in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision or enforcement, including but not limited to R.S. 40:1561 et seq., R.S. 49:148 et seq., R.S. 51:650 et seq., and R.S. 51:911.21 et seq., to prepare, adopt, and promulgate rules and regulations in accordance with the Administrative Procedure Act, and he shall compile a written set of current rules and regulations setting forth state laws and regulations governing fire hazards and life safety requirements and shall distribute to building owners copies of such compilation upon request. He shall also have available copies of said regulations for release upon request of any interested person and copies of state laws and regulations shall be distributed to all fire fighting agencies within the state.

G.(1) The fire marshal shall have authority to charge fees for conducting inspections, both as to private persons, and the state. Such fees shall be designed to cover, but not exceed, the actual cost of the inspections. The inspection fee shall be based on the time required for the inspection multiplied by 2.5 times the average hourly pay rate for inspectors; provided however, all nonpublic elementary and secondary schools shall be exempt from the payment of such fees imposed herein.

(2) As used in this Subsection, the following definitions shall apply:

(a) "Inspection" (INSP) means a survey of a single-story building, each floor of a multi-story building, or buildings having multiple occupancies or multiple building additions separated by horizontal two-hour fire rated construction which require separate surveys.

(b) "Reinspection" (REINSP) means a follow-up to an inspection or final inspection to determine if proper remedial action was taken to correct deficiencies.

(c) "Final inspection" (FINAL INSP) means an inspection to determine if a new construction, renovation, remodeling, addition, or change of occupancy in accordance with R.S. 40:1574 is in compliance with applicable state laws and regulations.

H.(1) The fire marshal, in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision, enforcement, licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S. 51:650 et seq., R.S. 51:911.21 et seq., and R.S. 40:1484.1 et seq., upon reasonable suspicion that a violation of the foregoing has occurred or is about to occur, shall have the authority to swear out and, upon issuance by a judge, execute search warrants.

(2) A court may issue search warrants on application of the fire marshal, in accordance with law, which warrant shall authorize the search for and seizure of anything within the territorial jurisdiction of the court in aid of the enforcement of the laws under the supervision, enforcement, licensure, or regulation of the office of fire marshal.

(3) The search warrant shall be directed to the fire marshal or his designated representative and shall describe the premises to be searched. The fire marshal or his designated representative to whom the warrant is directed shall make proper return thereon of the action taken on it and shall describe all property or records seized, if any. Any property or records seized shall be retained under the custody and control of the fire marshal or his designated representative until further order of the court or as may be provided by law.

I.(1) The fire marshal, in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision, enforcement, licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S. 51:650 et seq., R.S. 51:911.21 et seq., and R.S. 40:1484.1 et seq., shall have the authority to request the issuance of subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before him in any matter over which he has jurisdiction.

(2) A court, upon application and acceptable presentation, may order a subpoena or subpoena duces tecum to be issued requiring a witness to appear before the fire marshal to give testimony or to produce evidence. Upon filing such order in the office of the clerk of the appropriate court, the clerk shall issue the subpoena or the subpoena duces tecum according to law.

(3) Punishment for failure to comply with a subpoena or a subpoena duces tecum, proof of service of which appears of record, shall be subject to the sanctions available by law to the issuing court.

J.(1) Process structures as defined herein shall conform to the requirements of the National Fire Protection Association's Life Safety Code as provided in R.S. 40:1578.6, except that stairs, guard rails, and hand rails shall comply with the applicable worker safety requirements of the Occupational Safety and Health Administration.

(2) "Open structure" means a structure that supports equipment and operations not enclosed within building walls, but which may include a roof or canopy, found in oil refining, chemical processing plants, power plants, pulp and paper mills.

(3) "Process structure" means a naturally ventilated structure enclosed within building walls whose primary function is to protect equipment from the environment in oil refining, chemical processing plants, power plants, pulp and paper mills, and which structure is normally not occupied.

Amended by Acts 1952, No. 340, §1; Acts 1974, No. 232, §1; Acts 1977, No. 348, §1; Acts 1981, No. 781, §1; Acts 1984, No. 231, §1; Acts 1984, No. 421, §1, eff. July 6, 1984; Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1984, No. 410, §1, eff. July 6, 1984; Acts 1990, No. 268, §1; Acts 1990, No. 356, §1; Acts 1991, No. 278, §1; Acts 1991, No. 664, §1; Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1997, No. 954, §1; Acts 1999, No. 173, §1, eff. June 9, 1999; Acts 2001, No. 393, §1, eff. June 13, 2001; Acts 2003, No. 414, §1; Acts 2003, No. 426, §1.

## **RS 40:1563.1**

### **§1563.1. Authority to make arrests and carry firearms**

A. The fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, shall have the authority to investigate and cause the arrest of individuals suspected of having violated the following criminal laws:

- (1) R.S. 14:51, aggravated arson.
- (2) R.S. 14:52, simple arson.
- (3) R.S. 14:53, arson with intent to defraud.
- (4) R.S. 14:54, placing combustible material.
- (5) R.S. 14:54.1, communicating false information of planned arson.
- (6) R.S. 14:54.2, manufacture and possession of delayed action incendiary devices.
- (7) R.S. 14:54.3, manufacture and possession of a bomb.
- (8) R.S. 14:54.5, fake explosive devices.
- (9) R.S. 14:59 (A)(2), criminal mischief relating to the giving of any false alarm of fire.
- (10) R.S. 14:204, fire-raising on lands of another by criminal negligence.
- (11) R.S. 14:205, fire-raising on lands of another with malice.
- (12) R.S. 14:206, fire prevention interference.
- (13) R.S. 14:327, obstructing a fireman.
- (14) R.S. 22:1243, insurance fraud.
- (15) R.S. 22:1244, insurance fraud.

(16) Any other criminal laws making unlawful an attempt or conspiracy to commit the foregoing offenses.

B. The officials enumerated in this Section shall also have the power to seize contraband subject to forfeiture as described in R.S. 14:54.4, in accordance with the procedure established in said provision.

C. The fire marshal shall issue a commission to any state arson investigator who qualifies as P.O.S.T. certified to carry firearms allowing him to carry and use firearms and to arrest individuals suspected of violating the crimes enumerated in this Section.

D. The governing authority of a political subdivision may authorize the chief of each fire protection district, each fire department, and each volunteer fire department which is within that political subdivision to issue a commission to any local arson investigator allowing him to carry and use firearms and to arrest individuals suspected of violating crimes enumerated in this Section. The issuance of a commission pursuant to this Subsection, the powers granted by those commissions, and the use of firearms by the persons to whom those commissions are issued shall be subject to all of the following provisions:

(1) The chief of each fire protection district, each fire department, and each volunteer fire department who issues a commission to a local arson investigator may require that the local arson investigator be certified by the Council on Peace Officer Standards and Training (P.O.S.T.) or be qualified by the P.O.S.T. Council, or both.

(2) The chief of each fire protection district, each fire department, and each volunteer fire department who requires that local arson investigators to whom that chief issues commissions be P.O.S.T. certified or P.O.S.T. qualified, or both, shall pay the cost of providing to those local arson investigators the training necessary to obtain the P.O.S.T. certification or the P.O.S.T. qualification, or both.

(3) Local arson investigators who are required by their chief to be P.O.S.T. certified or P.O.S.T. qualified, or both, are specifically authorized to attend any school or training course which is operated by a commercial entity or which is operated by a public agency and which is open to peace officers from more than one law enforcement agency. Each person or agency operating a school or a training course which is attended by local arson investigators shall award the appropriate document or documents to each local arson investigator who successfully completes the requirements for P.O.S.T. certification or for P.O.S.T. qualification, or both. The Louisiana Commission on Law Enforcement and the Council on Peace Officer Standards and Training shall make the provisions which are necessary to enable local arson investigators to attend the required schools and training courses and for those local arson investigators who successfully complete the requirements for P.O.S.T. certification or P.O.S.T. qualification, or for both, to receive the appropriate documents to demonstrate the P.O.S.T. certification or P.O.S.T. qualification, or both.

(4) Possession of a P.O.S.T. certification or P.O.S.T. qualification, or both, by a local arson investigator shall not grant to that local arson investigator any authority other than the authority granted by a commission issued pursuant to this Subsection.

(5) The authority granted by a commission which is issued under the provisions of this Subsection shall be limited to the powers, functions, duties, and responsibilities which are set forth for local arson investigators in this Section. A commission which is issued under the provisions of this Subsection shall not grant any authority other than the powers, functions, duties, and responsibilities which are set forth for local arson investigators in this Section.

(6) The authority to carry and use firearms which is granted to local arson investigators by a commission which is issued under the provisions of this Subsection is limited to the power to carry weapons while acting in the course and scope of their duties as local arson investigators. Local arson investigators may carry concealed weapons while acting in the course and scope of their duties, and the provisions of R.S. 14:95 shall not apply to local arson investigators who carry concealed weapons while acting in the course and scope of their duties.

Added by Acts 1970, No. 539, §1. Amended by Acts 1974, No. 233, §1; Acts 1981, No. 841, §1; Acts 1997, No. 973, §1; Acts 1997, No. 973, §1; Acts 1999, No. 173, §1, eff. June 9, 1999; Acts 2003, No. 737, §1.

## **RS 40:1563.2**

### **§1563.2. Inspection of family day care homes; inspection fees**

A. The state fire marshal or his designee shall inspect family child day care homes in which there are fewer than seven children receiving care, whether certified by the Department of Social Services or the Department of Education.

B.(1) Repealed by Acts 1999, No. 558, §2.

(2) The state fire marshal shall collect a fee, for all required inspections, of thirty dollars per inspection. The state fire marshal shall not collect any other fees for the inspections and all fees collected shall be used to employ personnel to perform the inspections.

(3) All inspections shall be conducted on an annual basis.

(4) The inspections shall assure that the family child day care home meets the minimum requirements set forth by the Department of Social Services and the Department of Education.

C.(1) All fees collected by the office of state fire marshal for these inspections shall be deposited immediately upon receipt into the state treasury.

(2), (3) Repealed by Acts 1992, No. 984, §18.

Acts 1986, No. 616, §1, eff. July 1, 1986; Acts 1992, No. 984, §18; Acts 1997, No. 1187, §2; Acts 1999, No. 558, §§1 and 2.

## **RS 40:1563.3**

### **§1563.3. Restriction on the use of the titles "fire marshal" and "deputy fire marshal"**

No employee of any department, division, or agency of the state or any municipality, parish, or other political subdivision of the state except employees of the office of state fire marshal, code enforcement and building safety, Department of Public Safety and Corrections, shall use or allow to be used the title of "fire marshal" or "deputy fire marshal".

Acts 1989, No. 181, §1; Acts 1997, No. 1187, §2.

## **RS 40:1563.4**

### **§1563.4. Imposition of civil penalties by the state fire marshal for violations**

A. The state fire marshal, in addition to any other provision of law providing penalties for violations, may impose a civil fine of up to one thousand dollars, for violation of any statute, rule promulgated through the Administrative Procedure Act, regulation, or code for which he is responsible for enforcing or any lawful order issued by him in writing and only after deadlines imposed in the order have expired. Where applicable, each day of violation shall constitute a separate violation. The state fire marshal shall, in accordance with the Administrative Procedure Act, promulgate a schedule of fines to be applicable to each area of enforcement responsibility.

B. All such penalties imposed may be appealed in accordance with the provisions of the Administrative Procedure Act.

C. All monies collected pursuant to a fine imposed under this Section shall be made payable to the office of state fire marshal, code enforcement and building safety and shall be deposited immediately upon receipt into the state treasury.

Acts 1991, No. 956, §1; Acts 1997, No. 789, §1.

## **RS 40:1563.5**

### **§1563.5. Inspection fees**

The state fire marshal may charge inspection fees pursuant to R.S. 23:537 and 541 and R.S. 51:911.22, 911.28, 911.32, and 911.44.

Acts 1993, No. 687, §2.

## **RS 40:1564**

### **§1564. Cost of performing functions**

The cost of performing the functions assigned to the fire marshal under the provisions of this part shall be borne by the fire marshal fund in the state treasury,

created by R.S. 22:1077 and with other such funds as may be appropriated by the legislature for such purposes.

Amended by Acts 1968, No. 418, §1; Acts 1974, No. 234, §1.

## **RS 40:1565**

### **§1565. Account of money; audit**

The fire marshal shall keep an accurate account of all money received and disbursed by him under the provisions of this part and shall include a statement thereof in his annual report.

The legislative auditor or other appropriate officer shall annually audit the transaction of the fire marshal's office.

Amended by Acts 1974, No. 234, §1.

## **RS 40:1566**

### **§1566. Investigation of fires; reports; records of fires**

Under the direction of the fire marshal, the chief of the fire department in each municipality where a fire department is established, the chief officer of each special fire protection district created under Part I of this chapter, the town marshal of towns and villages which have no fire department, or the sheriff of each parish, insofar as the territory outside the limits of any incorporated municipality or of any special fire protection district is concerned, shall investigate the cause, origin, and circumstances of every fire occurring within their respective jurisdictions.

This investigation shall specifically determine, insofar as possible, the cause of and circumstances surrounding the fire. The investigation shall be made at the earliest possible time following the start of the fire. The officer making the investigation shall immediately notify the fire marshal if the circumstances indicate that the possible cause of the fire is human design or criminal neglect.

Upon receiving such a report of possible arson or fire caused by design or criminal neglect, the fire marshal shall assign one or more deputies to direct the investigation.

Local officers making investigations hereunder shall transmit monthly a written statement of all facts relating to the cause and the origin of the fire, the kind, value, and ownership of the property destroyed or damaged, the amount of insurance which may have been in force upon the property at the time of the fire, and any other information called for by the fire marshal.

The fire marshal shall keep in his office a record of each fire occurring in the state, together with all facts, statistics, and circumstances thereof, including the origin of the fire, that have been determined by the investigations provided for in this section or otherwise.

Amended by Acts 1974, No. 235, §1.

## **RS 40:1566.1**

### **§1566.1. Fire safety inspection**

When the fire marshal directs the inspection of a building and the marshal or his authorized agent is refused permission to conduct such inspection, the marshal or his authorized agent may petition the local district court to order that he be allowed to make such inspection. This order shall be granted immediately where the fire marshal demonstrates an immediate need to inspect the premises to guarantee the safety and welfare of the public from any possible hazards. The owner and/or leasee shall be served with a petition to show cause why the inspection should not be conducted.

Added by Acts 1976, No. 380, §1.

## **RS 40:1567**

### **§1567. Fee for fire reports by volunteer fire departments**

A. A fee of five dollars for each structural fire report plus mileage at the rate established for state employees per mile for each mile traveled to and from the place of the fire shall be paid to a volunteer fire department for each fire report made based upon an investigation and inspection by the volunteer members of the volunteer fire department. The fire reports shall be submitted to the fire marshal on forms provided by his office and in accordance with standards prescribed by the fire marshal.

B. For purposes of this Section the term "volunteer member" means an individual certified under the authority of R.S. 40:1563 who does not receive any compensation for his services, and the term "volunteer fire department" means a legally constituted fire department or fire protection district having fewer than four persons who are qualified for and receive state supplemental pay under the provisions of R.S. 33:2001, et seq.

C. Annual implementation of the standards prescribed by the fire marshal as to the fires which require investigation or inspection reports and the content of those reports shall be subject to review by the Fire Marshal's Review Board established by R.S. 40:1578.1.

Amended by Acts 1974, No. 235, §1; Acts 1978, No. 679, §1; Acts 1982, No. 28, §1.

## **RS 40:1567.1**

### **§1567.1. Fees for copies of fire and investigation reports**

The fire marshal shall furnish copies of fire and investigation reports to any person upon the payment of two dollars per page for fire reports and other reports

on letter size paper and five dollars per page for investigation reports and other reports on legal size paper.

Added by Acts 1977, No. 524, §1, eff. July 19, 1977.

## **RS 40:1568**

### **§1568. Special investigations of fires of suspicious origin**

A. The fire marshal shall make or cause to be made a special examination of the circumstances surrounding each fire of suspicious origin and of any fire reported to have been caused by design.

B. In the performance of this duty, the fire marshal or his authorized representative may take or cause to be taken testimony from persons supposed to be cognizant of any fact which may relate to the cause of any fire. To this end, he may secure testimony under oath and have it reduced to writing.

C. If, after this investigation, the fire marshal or his authorized representative is of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall have the person arrested and so charged and shall furnish to the district attorney of the judicial district in which the fire occurred all the evidence, together with the names of the witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Amended by Acts 1952, No. 340, §2; Acts 1974, No. 235, §1; Acts 1999, No. 173, §1, eff. June 9, 1999.

## **RS 40:1568.1**

### **§1568.1. Investigation**

The fire marshal shall order a special investigation of any fire resulting in any human death within this state.

Acts 1974, No. 235, §2; Acts 2003, No. 290, §1.

## **RS 40:1568.2**

### **§1568.2. Investigation of fires; duty to disclose by insurance companies, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association and the Louisiana Insurance Underwriting Association; protection from liability**

A.(1) In the course of an examination of a fire of suspicious origin, conducted pursuant to R.S. 40:1568 or other lawful authority, the fire marshal or his authorized representative or any lawfully constituted law enforcement agency or investigative unit of any lawfully constituted fire department may request any insurance company investigating a loss of immovable or movable property, the

Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association to release any information in its possession relative to that loss.

(2) The company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association shall release the information and cooperate with the investigating officer requesting such information.

(3) The information shall include but is not limited to:

(a) Any insurance policy relevant to a loss under investigation and any application for such a policy.

(b) Policy premium payment records.

(c) History of previous claims made by the insured for fire loss; and

(d) Material relating to the investigation of the loss including statements of any person, proof of loss, and any other relevant evidence.

B. An insurance company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association having reason to believe that a loss to its insured's real or personal property was caused by incendiary means shall notify the fire marshal, and may additionally notify the chief executive officer of a lawfully constituted law enforcement agency or fire department, and furnish him or them with all relevant material acquired during its investigation of the loss, cooperate with and take such action as may be requested of it by any law enforcement agency, and permit any person ordered by a court to inspect any of its records pertaining to its policy and the loss.

C. No person who furnishes information on behalf of an insurance company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association is or shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement or statements made or any other action taken to supply information required pursuant to this Section, and all such insurance companies, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, the Louisiana Insurance Underwriting Association, and persons shall be granted civil and criminal immunity for any such information furnished in good faith in the absence of fraud or malice to the fire marshal or law enforcement agency or fire department during the course of the investigation.

D.(1) Investigating officers and other state officials receiving information furnished pursuant to this Section shall hold the information in confidence until such time as its release is required pursuant to criminal or civil proceedings.

(2) The fire marshal, his authorized representative, or the appropriate law enforcement or fire department officials and personnel may be required to testify as to any information in his or their possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company, the Property Insurance Association of

Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association for the fire loss.

Added by Acts 1978, No. 488, §1. Acts 1984, No. 226, §1.

## **RS 40:1570**

### **§1570. Examination of premises; searches and seizures**

The fire marshal or his authorized representative may, at all times of day or night, in the performance of the duties imposed by the provisions of this Part, enter upon and examine any building or premises where any fire has occurred and other buildings or premises adjoining or near thereto. He, or his authorized representative, may make an affidavit before any justice of the peace in the state or any other officer authorized by law to issue search warrants that he believes or has reason to believe that by a search of certain premises, designated in the affidavit, he will obtain evidence tending to show the origin of a fire to have been incendiary. Upon receiving this affidavit, the justice of the peace, or other officer shall issue a warrant authorizing the fire marshal or his representative to search the premises named in the affidavit and designated in the warrant.

## **RS 40:1571**

### **§1571. Investigations may be private**

All investigations held by or under the direction of the fire marshal or his authorized representative may, in his discretion, be private. Persons other than those required to be present by the provisions of this Part may be excluded from the place where the investigation is held.

## **RS 40:1572**

### **§1572. Separation of witnesses**

In investigations held by or under the direction of the fire marshal or his authorized representative, witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

## **RS 40:1573**

### **§1573. Definitions**

For the purposes of this Part, the term:

(1) "Movable" means any movable facility or enclosure in which fifty or more people may assemble.

(2) "One- or two-family dwelling" means a building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.

(3) "Structure" means any building or structure of any nature or kind whatsoever except the interior of a single private and one- or two-family dwelling or a duplex.

(4) "Watercraft" means any vessel, boat, or other watercraft of any size, nature, or kind except ocean-going vessels, commercial fishing vessels, or coastwise vessels, or private pleasure craft.

Acts 2003, No. 414, §1.

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Acts 2003, No. 414, §1.

## **RS 40:1574**

### **§1574. Construction or repair of structures**

A. No structure, watercraft, or movable shall be constructed until building plans and specifications therefore have been submitted to and reviewed by the fire marshal and appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state.

B. No repair, remodeling, or addition shall be made to any structure, watercraft, or movable affecting the exits, stairs, seating arrangement, fire protection, or other details of construction covered by this Part until plans and specifications therefore have been submitted to and reviewed by the fire marshal and appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state.

C. If within any twelve month period, alterations or repairs costing in excess of fifty percent of the then physical value of the building are made to an existing building, such building shall be made to conform to the requirements of the code for new construction.

D. Where an entire floor of a facility, building, or structure is substantially renovated, that floor shall be made to conform with the requirements of the code for new construction to such extent as the state fire marshal may determine to be practicably feasible, provided however, and notwithstanding the provisions of R.S. 40:1578.1(A), the board of review shall be the final authority on issues of practical feasibility.

E. Altered elements in existing facilities shall be made to conform to the requirements of the code for new construction to such extent as the state fire marshal may determine is practicably feasible, provided however, and notwithstanding the provisions of R.S. 40:1578.1(A), the board of review shall be the final authority on issues of practical feasibility.

F. The physical value of a building in Subsection C of this Section may be established by an appraisal not more than three years old, provided that said appraisal was performed by a certified appraiser, or by the tax assessor in the parish where the building is located. In the absence of such an appraisal, the physical value of the building in Subsection C of this Section shall be established by the state fire marshal.

G. The cost of alterations or repairs in Subsection C of this Section may be established by an estimate signed by a licensed architect, by a licensed general contractor, or in the absence of either such licensed person, by the state fire marshal.

H. Persons who wish to appeal a decision of the state fire marshal relative to the physical values of buildings or the estimations of the cost of alterations or repairs in Subsection C of this Section may request an opinion from the board of review as provided in R.S. 40:1578.1 through 1578.5.

I. If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of the code for the new occupancy. If the occupancy of only a portion of an existing building is changed, and that portion is properly separated from the remainder, then only such portion need be made to conform.

J. Repairs and alterations, not covered by the preceding Subsections of this Section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the code will be made in such manner as will not extend or increase an existing nonconformity or hazard.

K. The state fire marshal shall have the authority to take into consideration practical difficulties and unreasonable economic hardships before applying the strict requirements of this Section. In cases of practical difficulty or unreasonable economic hardship, the state fire marshal may upon appeal allow alternative

arrangements provided a minimum acceptable level of life safety is achieved to the satisfaction of the state fire marshal.

Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1991, No. 582, §1; Acts 1997, No. 961, §1.

## **RS 40:1574.1**

### **§1574.1. Costs of handling plans**

A. In addition to a postage and handling fee of five dollars, the owner of the project who submits the plans and specifications shall pay to the office of state fire marshal, code enforcement and building safety a plan review or document fee based on the following schedule:

(1) Assembly occupancy	
Area in square feet	Fee
0 - 2500	\$ 30.00
2501 - 4500	60.00
4501 - 10,000	180.00
10,001 - 50,000	280.00
50,001 - 100,000	380.00
100,001+	530.00
(2) Educational	
Area in square feet	Fee
0 - 5,000	\$ 30.00
5001 - 10,000	60.00
10,001 - 30,000	100.00
30,001 - 80,000	200.00
80,001 - 150,000	300.00
150,001+	400.00
(3) Health care/detention	
(a) Area in square feet	Fee
0 - 10,000	\$ 180.00
10,001 - 20,000	280.00
20,001 - 50,000	380.00
50,001 - 100,000	480.00
100,001+	680.00
(b) High rise (all new)	830.00
(4) Hotels, dormitories, apartments, lodgings, rooming houses, residential & board care facilities	
(a) Area in square feet	Fee
0 - 2500	\$ 30.00
2501 - 10,000	60.00
10,001 - 30,000	180.00

30,001 - 80,000		280.00
80,001 - 150,000		380.00
150,001+		480.00
(b) High rise (all new)		680.00
(5) Mercantile/business		
(a) Area in square feet		Fee
0 - 3000	\$	30.00
3001 - 10,000		60.00
10,001 - 30,000		90.00
30,001 - 50,000		150.00
50,001 - 150,000		200.00
150,001+		300.00
(b) High rise (all new)		500.00
(6) Industrial, storage, special structures		
(a) Area in square feet		Fee
0 - 10,000	\$	30.00
10,001 - 20,000		60.00
20,001 - 50,000		90.00
50,001 - 100,000		120.00
100,001+		200.00
(7) Storage tank (tank installation only)		
Single tank		\$50.00
Plus \$30.00 for each additional tank		
(8) Sprinkler systems		
(a) Number of sprinkler heads per floor		
(Tenant spaces submitted separately are considered a floor for fee purposes)		
1 - 50	\$	30.00
51 - 300		60.00
301 - 450		120.00
451+		150.00
(b) Hydraulic calculations		40.00
(c) 20 head or less shop drawing exemption request		10.00
(9) Fire suppression systems, other than sprinkler systems		
(a) Number of devices		
0 - 10	\$	30.00
11 - 25		60.00
26 - 50		120.00
51 - 75		180.00
76 - 100		200.00
101+		300.00

(b) Calculations	40.00
(10) Fire detection and alarm systems	
Number of devices	Fee
(Tenant spaces submitted separately are considered a floor for fee purposes)	
0 - 25	\$ 50.00
26 - 50	80.00
51 - 75	110.00
76 - 100	140.00
101+	140.00
Plus \$30.00 for each additional 25 devices above 101	
(11) Exemptions/Go-to-Work Requests	
(industrial plant temporary trailers/modulars, nonrequired/nonconforming fire protection system requests, architectural modifications)	
Per request	\$ 20.00
(12)(a) Facsimile transmissions and record requests	
Paper copies per page	\$ 2.00
Fax per page	4.00
Electronic copies (per floppy diskette)	25.00
Database report (plus \$100.00 per every 1000 records)	500.00
(b) However, postage and handling fees shall not apply to exemption requests and facsimile transmissions.	
(13) Appeal requests	
(a) Handicapped accessibility	\$ 25.00
(b) Life safety/fire code appeals:	
(i) Smoke control reviews (\$50.00 for resubmission)	100.00
(ii) Timed egress (\$50.00 for resubmission)	100.00
(iii) Other appeals (\$50.00 for resubmission)	100.00
(14) The fee for performance-based reviews shall be twice the amount of the review fees imposed by this Subsection, plus an additional fee of \$100.00 (\$50.00 for resubmission) for smoke control reviews and timed egress.	

B.(1) In order to comply with the requirements of R.S. 40:1574, only one set of plans shall be submitted to the state fire marshal for review.

(2) When the plans are reviewed by the office of state fire marshal, code enforcement and building safety, the original set of plans properly stamped "Reviewed" by the state fire marshal shall be retained by the contractor for the construction, renovation, or remodeling for the project in question as long as the

structure, watercraft, or movable is in the process of construction, renovation, or remodeling.

(3) Upon final completion of the project the contractor shall turn the plans over to the owner.

(4)(a) The state fire marshal shall furnish to the parties submitting the plans which appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state and the regulations of the state fire marshal the original set of plans, blueprints, or both stamped reviewed along with a letter which shall state that the plans appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state and the regulations of the fire marshal.

(b) This letter from the fire marshal stating that the plans and specifications for the construction, renovation, or remodeling for the project in question appear to satisfactorily comply with the laws, rules, regulations, and codes of the state, in no way permits and authorizes any omission or deviation from those laws, rules, regulations, and codes so that in no way does this review procedure permit, authorize, or otherwise increase or incur any liability by the state for failure to recognize and point out any such omission or deviation in those requirements.

(c) The letter of the fire marshal shall be kept at the site of the project for inspection by the fire marshal or his deputies for as long as the structure, watercraft, or movable is in the process of construction, renovation, or remodeling.

(5) The office of state fire marshal, code enforcement and building safety shall no longer retain any copy of the reviewed plans or blueprints and is hereby authorized to destroy all such plans and blueprints currently in the archives of the state fire marshal after one year has passed from the effective date of this Section.

(6) The owners of all structures, watercraft, and movables shall retain blueprints including the original building plans and specifications which have been stamped "Reviewed" by the state fire marshal in a safe place for as long as the structure, watercraft, or movable is occupied, used, or both.

C.(1) In the event that plans do not appear to the fire marshal to satisfactorily comply with the laws, regulations, and codes of Louisiana and the regulations of the state fire marshal, the state fire marshal shall furnish a letter to the party submitting the plans which shall list the particular requirements of the state fire marshal which must be met before the plans can be stamped "Reviewed" and before construction or renovation or remodeling can begin. However, where plans for projects are submitted in violation of R.S. 37:155(A)(4), no list of requirements shall be provided.

(2) Review of the plans submitted constitutes compliance with this Section if construction begins within one hundred eighty days of the review.

(3) State and local political subdivisions shall be exempt from the payment of all other charges provided herein, for the first submission only. Thereafter, for all subsequent submissions, state and local political subdivisions shall pay the required fees.

D. All fees collected pursuant to Subsection A of this Section shall be used exclusively for the maintenance and operation of the planning review section of the office of the state fire marshal, code enforcement and building safety.

Added by Acts 1977, No. 507, §1. Amended by Acts 1979, No. 493, §1; Acts 1982, No. 210, §1, eff. July 15, 1982; Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1986, No. 386, §1, eff. July 2, 1986; Acts 1986, No. 294, §1, eff. June 30, 1986; Acts 1988, No. 423, §1; Acts 1990, No. 371, §1; Acts 1997, No. 964, §1; Acts 1997, No. 1187, §2; Acts 2000, 1st Ex. Sess., No. 89, §1.

## **RS 40:1575**

### **§1575. Inspection of premises; orders for repair or removal of dangerous conditions**

A. Upon complaint of any person or upon his own initiative when he thinks necessary, the fire marshal or any of his authorized representatives may inspect any structure, watercraft, or movable within the state except the interiors of private and one- or two-family dwellings.

B. Whenever the inspecting officer finds any such structure, watercraft, or movable, which, for any cause, is especially liable to fire or dangerous to life or which is so situated as to endanger other property or the occupants thereof, he shall order the dangerous materials removed, the condition of the premises remedied, or the premises razed. The occupant of the structure, watercraft, or movable shall not permit it to be used until the fire marshal certifies that the hazardous conditions have been eliminated.

C. Among the causes which render a structure, watercraft, or movable especially liable to fire or dangerous to life are the following:

- (1) Want of repairs.
- (2) Age or deteriorated condition.
- (3) Lack of sufficient fire alarm or fire extinguishing apparatus.
- (4) Lack of adequate means of ingress and egress.
- (5) Lack of adequate, unrestricted passageways to the entrances and exits.
- (6) Presence of combustible, explosive, or inflammable material.

Amended by Acts 1952, No. 340, §5; Acts 2003, No. 414, §1.

## **RS 40:1576**

### **§1576. Service of order**

Any order for removal or remedying issued pursuant to R.S. 40:1575 may be served upon the occupant of the premises to which it is directed by delivering a copy to the occupant personally or by registered or certified mail, or to any person in charge of the premises. If no person is found upon the premises, the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance to the premises. Whenever it is necessary to serve an order upon the owner of the premises, it may be served either by delivering a copy to the person

as herein provided or, if the owner is absent from the jurisdiction of the officer making the order, by mailing the copy to the owner's last known post office address.

Amended by Acts 1968, No. 418, §1.

## **RS 40:1577**

### **§1577. Appeal from order**

When an order is made by one of the deputies or representatives of the fire marshal, the owner or occupant of the building or premises may, within three days, appeal to the fire marshal. The fire marshal shall, within five days, review the order and advise the owner or occupant of his decision thereon. The owner or occupant may, within five days after the making or affirming of any such order of the fire marshal, file an application with the board of review as provided in R.S. 40:1578.1 in accordance with the regulations promulgated for application by that board, praying for a review of the order or such other relief as is provided by law.

The board of review shall render its decision within five calendar days, excluding Saturdays, Sundays, and legal holidays, of the review of the order. If, and only if, the order of the fire marshal is not appealable to the fire marshal board of review under R.S. 40:1578.1, within the time period set forth in this Section, the owner or occupant may file his petition with the district court of the district in which the premises or building affected by the orders is situated, praying for a review of the order or such other relief as is provided by law.

Amended by Acts 1982, No. 336, §1.

## **RS 40:1578**

### **§1578. Compliance with order**

If no review is requested of or an appeal taken from an order of the fire marshal or an authorized representative, the order shall be complied with immediately, or within the period specified in the order, by the owner or occupant of the premises or building.

If an appeal is taken or a review petitioned for, pursuant to the provisions of R.S. 40:1577, the order, unless revoked, shall be complied with, as last modified, after it becomes final, either immediately or, if a time is specified, within the period specified in the order, or in the decision of the fire marshal, or in the decision of the court, as the case may be.

## **RS 40:1578.1**

### **§1578.1. Board of review**

A. A board of review shall be established to evaluate alternatives to fire prevention or protection laws and regulations established by the fire marshal when a request of review is properly submitted. The board of review shall not have the power to waive fire prevention and protection requirements, but shall determine whether the suggested alternative provides equivalent or better protection within the context of the intent of the law. The board of review shall be composed of the following membership:

- (1) One chief of a fire department which is predominantly volunteer;
- (2) One chief of a fire department with predominantly full-time personnel;
- (3) One registered architect;
- (4) One registered engineer;
- (5) One individual representing building owners-managers interests;
- (6) One individual representing mercantile-industrial interests;
- (7) One representative of the Louisiana Rating and Fire Prevention bureau selected by the bureau;
- (8) Two individuals to represent the general public who have no vested interests directly or indirectly in the construction industry, or the ownership or management of commercial buildings; and
- (9) One representative of the fire marshal's office, ex officio and non voting selected by the fire marshal;
- (10) The fire marshal, ex officio and non voting.

Those members designated in Paragraphs 1 through 6 shall be appointed by the governor for a term of four years. A voting member of the board shall be elected by its membership as chairman for a term of one year.

B. Five members of the board shall constitute a quorum. No board member shall act in any case in which he has a personal pecuniary interest.

C. A complete record shall be made of all proceedings before the board including a complete verbatim transcript of all testimony; upon appeal of a decision of the board or the fire marshal after review to a court of competent jurisdiction, the record made of the proceeding before the board shall be the only record allowed in the appeal to the court which shall not try the matter de novo but only as an appeal. All decisions shall include reasons for the decisions. The vote of each member participating shall be recorded.

D. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this part of the Louisiana Administrative Procedure Act (R.S. 49:951 et seq.). The board shall meet at regular intervals to be determined by the chairman, or in any event, the board shall meet within ten days after notice of review has been received. The board shall issue a decision within a period of twenty days after the board meets on such matter.

E. Members of the board who are not ex officio members shall receive a per diem of fifty dollars per day plus actual and reasonable expenses incurred in the performance of the duties imposed upon them by the provisions of this Act.

F. In order to stagger terms of the board membership, the chiefs of the volunteer and full paid fire departments shall originally be appointed for a period of one year; the registered engineer and architect for two years; and the owners-managers member and mercantile industrial member for three years. Thereafter, all members shall serve a term of four years.

Added by Acts 1974, No. 236, §1.

## **RS 40:1578.2**

### **§1578.2. Appeal to board**

If an order of the fire marshal issued pursuant to R.S. 40:1578.6 or R.S. 40:1615.14<sup>1</sup> is appealed to the board of review, except as is provided in R.S. 40:1578.3, the order shall be suspended without posting of security until such time as the board renders a final decision.

Added by Acts 1974, No. 236, §1.

<sup>1</sup>House Bill No. 295 and Senate Bill No. 127 of the 1974 regular session of the Legislature adding R.S. 40:1615.1 through 40:1615.14 failed to be adopted.

## **RS 40:1578.3**

### **§1578.3. Emergency closure during appeal**

The fire marshal may bring a summary proceeding in accordance with the provisions of Code of Civil Procedure Articles 2591 through 2596 in the district court which has jurisdiction over the structure or movable to require closure of such during the pendency of proceedings before the board of review or after the board renders a final decision. The court shall order such immediate closure if it finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to such effect in its order. These proceedings shall be promptly instituted and determined.

Added by Acts 1974, No. 236, §1.

## **RS 40:1578.4**

### **§1578.4. If no appeal taken**

If an order appealable to the board of review is issued and appeal is not taken, the owner or occupant must comply with the order within such time as is set in the discretion of the fire marshal after all necessary delays for appeal have expired.

Added by Acts 1974, No. 236, §1.

## **RS 40:1578.5**

**§1578.5. Appeals from decision of board of review**

Any interested person may appeal a decision of the board of review as provided in R.S. 40:1578.1 to a court of competent jurisdiction within five days of the rendering of the decision of the board of review.

Added by Acts 1974, No. 236, §1.

**§1578.6. National Fire Protection Association's Life Safety Code; Southern Standard Building Code; applicability to high rise structures; minimum standards; existing hazardous buildings; appeal**

A. Adequate protection for life safety shall be afforded in every structure or movable as those terms are defined in R.S. 40:1573. To afford such protection, all newly constructed structures and movables shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act which shall establish as minimum standards the provisions of the Life Safety Code of the National Fire Protection Association, and Section 518 - Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, applicable to high rise structures as both are annually or periodically amended, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations. The effective date for enforcement shall be one hundred eighty days after adoption and promulgation under the Administrative Procedure Act.

B. A parish or municipality which, prior to January 1, 1975, had adopted and is enforcing a nationally recognized model building code and/or fire prevention code or a code equal to a nationally recognized building code and/or fire prevention code may continue to enforce such codes in place of the codes required in the paragraph above; however, such codes shall contain requirements that are substantially equal to the fire marshal's code with respect to high rise buildings, mandatory automatic sprinkler and extinguishment systems, and fire detection systems.

C. This Section shall not apply to existing buildings, except as provided for by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless the fire marshal deems that a serious life hazard exists due to a particular condition, at which time he can require the institution of proper fire protection measures to alleviate the particular hazards noted according to the chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code, as most recently adopted by administrative rule by the office of the state fire marshal, code enforcement and building safety. Such directives of the fire marshal may be appealed to the board of review. "Lawfully constructed and maintained" as used in this Subsection means in conformance with the laws, codes, rules, and regulations in force at the time of original construction.

Added by Acts 1974, No. 656, §1, eff. Jan. 1, 1975. Amended by Acts 1979, No. 495, §2, eff. July 13, 1979; Acts 1985, No. 987, §1; Acts 1988, No. 422, §1; Acts 1995, No. 353, §1; Acts 1997, No. 343, §1.

## **RS 40:1578.7**

### **§1578.7. State Uniform Fire Prevention Code**

A. It is hereby found and declared by the legislature that the protection of life and property will be enhanced by adoption of the National Fire Prevention Code, as it is published by the National Fire Protection Association. It is also hereby found and declared by the legislature that the adoption of NFPA 1 will complement and not conflict with the National Fire Protection Association's Life Safety Code.

B. The National Fire Prevention Code, known as NFPA 1, 1997 edition, published and maintained by the National Fire Protection Association, is hereby adopted as the State Uniform Fire Prevention Code to the extent that it does not conflict with the National Fire Protection Association's Life Safety Code.

C. If a fire prevention code is adopted by any political subdivision of the state, it must adopt the State Uniform Fire Prevention Code.

D. Nothing in this Section shall be construed so as to prevent the state fire marshal from enforcing the National Fire Protection Association's Life Safety Code, nor any other laws of the state, the enforcement of which are his statutory and regulatory responsibility.

E. The state fire marshal shall have the power and authority to promulgate those rules and regulations as may be necessary to incorporate or adopt any subsequent amendments or additions to the State Uniform Fire Prevention Code to conform to NFPA 1, as it is subsequently amended or issued as a new edition by the National Fire Protection Association.

F. If the governing authority of any municipality or parish finds that the State Uniform Fire Prevention Code does not meet its minimum needs, that local governing authority may provide more stringent requirements than those specified in the State Uniform Fire Prevention Code when such requirements are based upon local climatic, geologic, topographic, or public safety factors after prior review and approval by the state fire marshal to ensure that such variances achieve equivalent or enhanced levels of protection as the State Uniform Fire Prevention Code.

G. Nothing contained in this Section shall be construed as requiring any political subdivision to establish an office or any other kind of governmental unit in order to enforce provisions of the State Uniform Fire Prevention Code.

H. Nothing contained in this Section shall be construed as imposing any new or additional requirements upon any petroleum refining or chemical manufacturing facility which is subject to the United States Occupational Safety and Health Administration Hazard Communication Standard, 29 CFR 1910.1200.

I. The provisions of this Section shall not apply to any political subdivision that has adopted a model fire prevention code as of July 9, 1999, including review and approval by the state fire marshal of any future amendments, additions, or new editions of the model fire prevention code adopted by the political subdivision.

Acts 1999, No. 1137, §1, eff. July 9, 1999.

## **RS 40:1579**

### **§1579. Ingress by firemen**

For ingress by firemen, every structure, watercraft, or movable shall have at least one window or other device in each story of the building on a street front or on an alleyway or court accessible to a street, which can be opened from the outside in case of fire in the structure, watercraft, or movable so as to furnish immediate ingress to the story or stories of the structure, watercraft, or movable.

## **RS 40:1580**

### **§1580. Fire exit maps; hotel or motel rooms**

Every hotel or motel room shall have posted on the back of the main entry door to the room a map indicating where the exits are located in case of fire or other emergency.

Added by Acts 1981, No. 593, §1.

## **RS 40:1580.1**

### **§1580.1. Fire alarms; hotel or motel rooms**

A. Every new or renovated hotel or motel room shall have sleeping rooms equipped with approved fire detection and alarm systems for the hearing impaired in case of fire in accordance with the requirements of Section 9 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) table 9.1.2 and 9.1.3.

B. In hotels or motels not covered by Subsection A which have fewer than fifty rooms one system shall be available. In such hotels or motels with more than fifty but fewer than one hundred rooms at least two systems shall be available. In such hotels or motels with more than one hundred rooms four systems shall be available. The availability of such system shall be posted in every room.

Acts 1997, No. 894, §1.

## **RS 40:1581**

### **§1581. Smoke detectors; single and two family dwellings**

A. All single and two family dwellings constructed after January 1, 1992, shall contain approved smoke detectors.

B. Failure to comply with the provisions of this Section shall not be a reason for nonpayment of any insurance claims.

Acts 1991, No. 701, §1.

## **RS 40:1583**

### **§1583. Locking, bolting, or obstructing exits or passageways**

No persons shall bolt, lock, obstruct, or block any exit or any passageway, or permit anyone else to do so, while the structure, watercraft, or moveable is in use for public assemblage.

Added by Acts 1982, No. 335, §1, eff. July 18, 1982.

## **RS 40:1591**

### **§1591. Enforcement of Part**

A. The enforcement personnel of the state fire marshal shall enforce this Part and all other laws under the jurisdiction of the state fire marshal and other lawful orders of the state fire marshal, the violation of which would constitute a misdemeanor offense. The state fire marshal may delegate some or all of such enforcement authority to the chief of a fire department of a political subdivision and his authorized representatives. This enforcement authority shall include the power to issue misdemeanor summons.

B. The law enforcement officers of each political subdivision of the state shall enforce this Part and all other laws under the jurisdiction of the state fire marshal and other lawful orders of the state fire marshal.

Acts 1991, No. 33, §1.

## **RS 40:1592**

### **§1592. Application of Part**

The requirements contained in this Part apply to all structures, watercraft, and movables. However, the fire marshal may limit their application insofar as they affect structures existing on or before July 28, 1948, whenever he determines that reasonable steps have been taken in connection therewith to protect life and property from the hazards of fire and of panic which may arise from fire or from the threat of fire or explosion.

## **RS 40:1593**

### **§1593. Volunteer firefighters; medical and life insurance**

The state fire marshal is authorized to negotiate for and to purchase out of funds available for such purpose in the Two Percent Fire Insurance Fund provided for in R.S. 22:1585(A) a group insurance policy to provide medical benefits, death benefits, and burial benefits for volunteer firefighters of the state suffering injury or death while engaged in the scope of their duties as volunteer firefighters. Such policy shall cover all bona fide volunteers starting the day upon which their

membership begins without any prior certification to the state fire marshal's office or to the insurer. The state fire marshal shall deliver to each volunteer unit a printed notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which such must be filed. The volunteer unit shall post such notice in a conspicuous place at its facilities.

Acts 1966, No. 522, §1. Amended by Acts 1974, No. 124, §1; Acts 1987, No. 898, §1, eff. July 20, 1987; Acts 1990, No. 759, §2; Acts 2001, No. 189, §2, eff. May 31, 2001.

## **SUBPART A-1. TIME LIMITS FOR RETENTION OF BLUEPRINTS AND OTHER RECORDS**

### **RS 40:1596.1**

#### **§1596.1. Purpose**

The purpose of this Subpart is to regulate the retention and storage of records of the office of state fire protection of the Department of Public Safety, formerly known as the State Fire Marshal, by establishing specific time limits during which said records shall be retained and after which such records may be destroyed.

Added by Acts 1979, No. 495, §1, eff. July 13, 1979.

## **SUBPART B. SPECIAL HAZARDS**

### **RS 40:1605**

#### **§1605. Rubbish**

No person shall allow any empty boxes or barrels or any rubbish, trash, waste paper, excelsior, or other similar combustible materials not incident to or necessary in his trade to remain in any alley or sidewalk or on any premises within thirty feet of a building longer than twelve hours or overnight.

### **RS 40:1613**

#### **§1613. Tents; fire resistant**

A. No person shall offer for sale or manufacture within this state, after January 1, 1975, any tent, regardless of the size or description thereof, unless such tent is made of a fire resistant material or has been treated to render it fire resistant. The fire marshal may prescribe specific requirements to carry out the purpose of this section.

B. The fire marshal shall be responsible for the enforcement of this section. Upon complaint of any person or upon his own initiative when he thinks necessary, the fire marshal or any of his authorized representatives may inspect any tent being offered for sale or sold in this state or the premises of any establishment engaged in the manufacture of tents in this state for the purpose of determining compliance with this section. Whenever the inspecting officer finds any incidence of noncompliance with this section he shall issue an appropriate order to assure compliance, to have the tents removed from the premise or to remedy the incidence of noncompliance in whatever manner he may deem appropriate.

C. Whoever fails to comply with an order of the fire marshal under the provisions of this section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Each violation hereunder shall constitute a separate offense.

Added by Acts 1974, No. 264, §1.

#### SUBPART C. PENALTIES

### **RS 40:1621**

#### **§1621. Violation of fire marshal's orders; penalty**

Whoever fails to comply with any order issued by the fire marshal or his authorized representative, under any provisions of Part III of Chapter 7 of Title 40, R.S. 40:1569 excepted, shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Each day's violation of an order constitutes a separate offense and may be punished as such at the discretion of the court.

Acts 1989, No. 181, §1; Acts 1990, No. 86, §1.

### **RS 40:1622**

#### **§1622. Violation of Part; criminal and civil liability**

A. If the fire marshal or a representative of his office inspects a structure, watercraft, or movable and finds a violation of this Part, for which a compliance order is issued, and that violation is the proximate cause of an incident giving rise to response by firemen or first response personnel who suffer loss of life or bodily injury while responding to the incident, then the person or entity responsible for compliance with the order shall be liable for all damages resulting from the loss of life or bodily injury suffered by any such firemen or first response personnel if the compliance order has not been complied with within the time period stated in the compliance order.

B. Notwithstanding any provision to the contrary, for any loss of life suffered by firemen or first response personnel under the conditions described in

this Section, there shall be a rebuttable presumption that the death resulted from criminal negligence.

Acts 2003, No. 1099, §1.

## **SUBPART D. FIRE PROTECTION SPRINKLER SYSTEMS**

### **RS 40:1625**

#### **§1625. Purpose; administration; definitions**

A. The purpose of this Subpart is to regulate the business of installation, repair, alteration, addition, maintenance, and inspection of fire protection sprinkler systems, fire protection standpipe and fire hose systems, and fire pump systems, in accordance with the rules adopted by the state fire marshal in the interest of safeguarding lives and property.

B. The state fire marshal shall administer this Subpart and may issue rules and regulations, which he considers necessary to such administration, pursuant to the Administrative Procedure Act. In formulating necessary rules and regulations, the state fire marshal may use recognized standards, including standards of the National Fire Protection Association, standards recognized by federal law or regulation, standards published by nationally recognized standards-making organizations, or standards contained in manufacturers' installation manuals.

C. For the purposes of this Subpart, the following words and phrases shall have the meanings ascribed to them in this Section:

(1) "Certificate" means the form issued by the state fire marshal to a person who has satisfied the requirements necessary to become a certificate holder.

(2) "Certificate holder" means a person who satisfies all of the following requirements:

(a) The person shall be an employee of a fire protection sprinkler contractor who works a minimum of thirty-two hours per week for such contractor and receives a federal tax form W-2 wage statement or a Schedule K-1 distribution from the fire protection sprinkler contractor.

(b) The person shall maintain a license as a Louisiana certified fire protection or mechanical engineer, a certification in NICET LEVEL III or LEVEL IV Fire Protection Engineering Technology, Automatic Sprinkler Layout, or a certification by a nationally recognized automatic sprinkler system layout certification program as determined by the fire marshal.

(3) "Certified fire protection sprinkler contractor" means a fire protection sprinkler contractor who has satisfied all of the requirements to receive a permit from the state fire marshal.

(4) "Entity" means a proprietorship, partnership, corporation, limited liability company, joint venture, association, or any other form of organization that engages in fire protection sprinkler system contracting.

(5) "Fire protection sprinkler contractor" means a person or entity engaged in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems.

(6)(a) "Fire protection sprinkler system" means a system of overhead piping designed in accordance with fire protection engineering standards.

(b) The system must be supplied from a reliable, constant, and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground piping to a city main or any combination of these. For the purpose of this Subpart, sprinkler system water supply piping, stand pipes, and connections to fire pumps are considered part of the fire protection sprinkler system.

(c) The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this Subpart and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern.

(d) The system includes a controlling valve and device for actuating an alarm when the system is in operation.

(e) The system is usually activated by heat from a fire and discharges water over the fire area.

(f) Fire protection sprinkler systems shall include the following types each as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems:

(i) Wet-pipe systems.

(ii) Dry-pipe systems.

(iii) Pre-action systems.

(iv) Deluge systems.

(v) Combined dry-pipe and pre-action systems.

(vi) Antifreeze systems.

(vii) Circulating closed loop systems.

(7) "Fire protection standpipe and fire hose system" means an arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure, with the hose connections located in such a manner that the water can be discharged in streams or spray patterns through attached hose and nozzles, for the purpose of extinguishing a fire, thereby protecting a building or structure and its contents in addition to protecting its occupants. This fire protection is accomplished by means of connections to water supply systems or by means of pumps, tanks, and other equipment necessary to provide an adequate supply of water to the hose connections.

(8) "Fire pump system" means a fire protection system that utilizes a fire pump.

(9) "Inspector" means a person who has satisfied all of the following conditions or maintains a license as a Louisiana certified fire protection or mechanical engineer and submits a completed application with the appropriate fee:

(a) Works a minimum of thirty-two hours per week for a fire protection sprinkler contractor and receives a federal tax form W-2 wage statement or a Schedule K-1 distribution from the fire protection sprinkler contractor.

(b) Performs testing and maintenance of water-based fire protection systems in accordance with National Fire Protection Association Pamphlet 25, entitled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(c) Has passed a competency test administered by the state fire marshal.

(10) "License" means the form issued by the state fire marshal to a person who has satisfied the requirements necessary to become an inspector.

(11) "Operating location" means a physical address that houses an entity that engages in fire protection sprinkler system contracting.

(12) "Permit" means the form issued by the state fire marshal to a fire protection sprinkler contractor upon approval of the application.

(13) "Person" means a natural person or individual.

Acts 1984, No. 231, §1; Acts 1988, No. 474, §1; Acts 1991, No. 590, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002; Acts 2003, No. 425, §1.

## **RS 40:1626**

### **§1626. Administration by state fire marshal**

The state fire marshal shall administer this Subpart and shall have the power to charge and collect such fees as provided for in this Subpart.

Acts 1984, No. 231, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **RS 40:1627**

### **§1627. Applicability**

A.(1) It shall be unlawful for any person or entity to engage in the installation, repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this Subpart.

(2) However, notwithstanding any other provisions of this Subpart to the contrary, a mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board shall be permitted only to install, repair, alter, add to, maintain, and inspect water supply piping supplying sprinkler systems, stand pipe systems, or fire

pumps without having obtained a certificate or permit from the state fire marshal pursuant to this Subpart.

(3) However, notwithstanding any other provisions of this Subpart to the contrary, electronic control systems used to release pre-action systems, deluge systems, and combined dry-pipe and pre-action systems shall only be designed, installed, and maintained by those firms and persons who have obtained certificates or licenses from the state fire marshal pursuant to the provisions of R.S. 40:1651 et seq.

B. Nothing in this Subpart, however, shall be construed to apply to fire protection sprinkler system owners whose systems are for the use of the owner and who employ at least one of the following:

(1) Licensed professional fire protection or mechanical engineers.

(2) Persons who have satisfactorily met the minimum experience requirements of R.S. 40:1628.

(3) Persons who have completed and passed a competency test administered by the state fire marshal and who regularly and routinely design, install, repair, alter, add to, maintain, and inspect sprinkler systems on and within the premises of their employer.

Acts 1984, No. 231, §1; Acts 1992, No. 1019, §1, eff. July 13, 1992; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **RS 40:1628**

### **§1628. Application for permit, certificate, or license**

A.(1) Any entity desiring to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems shall apply for a permit for each of its operating locations.

(2) The initial permit application fee for each operating location shall be five hundred dollars which shall be paid when making the application, and the renewal fee for each year shall be two hundred fifty dollars.

(3) An applicant for a permit shall submit the following to the state fire marshal:

(a) Documentation that the company is an entity duly authorized to conduct business within this state.

(b) Documentation that the entity holds a general liability insurance policy, or its equivalent, in an amount not less than one million dollars.

(c) Documentation that the entity carries a valid workers' compensation insurance policy as required by law.

(d) Evidence that the entity has at least one employee at each of its operating locations who is a certificate holder exercising direct supervision at the location.

B.(1) Any person desiring to be a certificate holder shall apply for a certificate.

(2) The initial application fee of one hundred dollars shall be paid when making the application and the renewal fee for each year shall be fifty dollars.

(3) The certificate holder shall provide documentation confirming current licensure as a Louisiana certified fire protection or mechanical engineer, current certification in NICET LEVEL III or LEVEL IV Fire Protection Engineering Technology, Automatic Sprinkler System Layout, or current certification by a nationally recognized automatic sprinkler system layout certification program as determined by the fire marshal.

C.(1) Any person desiring to be an inspector shall apply for a license.

(2) The initial application fee of one hundred dollars shall be paid when making the application, and the renewal fee for each year shall be fifty dollars.

(3) Each licensed inspector must pass a competency test as administered by the state fire marshal.

(4) Each applicant must submit two suitable photographs acceptable to the state fire marshal, who shall keep one photograph on file and shall make the other photograph a part of any license subsequently issued to the applicant.

Acts 1984, No. 231, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002; Acts 2003, No. 425, §1.

## **RS 40:1629**

### **§1629. Issuance of state fire marshal's permit, certificate, or license; maintenance requirements**

A.(1) If the state fire marshal finds that an entity has satisfied the requirements of R.S. 40:1628, he shall issue a permit to engage in fire protection sprinkler contracting to that entity upon payment of the permit fee authorized by this Subpart.

(2) Each operating location of a fire protection sprinkler contractor shall clearly display its permit in a conspicuous location at its place of business.

(3) Each operating location of a fire protection sprinkler contractor shall have at least one employee who is a certificate holder exercising direct supervision at the location.

(4) Each entity shall notify the state fire marshal within ten days of the following:

(a) Any change in the business address of the entity.

(b) Any change in ownership of the entity.

(c) Any change in the employment of a person holding a certificate or a license.

(5) Each operating location of a fire protection sprinkler contractor in the state shall be open for inspection by the state fire marshal or his designated representative at any reasonable time for the purpose of observation and collection of facts and data relating to proper enforcement of this Subpart. No person acting

on behalf of the entity shall refuse to admit the state fire marshal or his designated representative to an operating location.

B.(1) If the state fire marshal finds that an applicant has satisfied the requirements of R.S. 40:1628, he shall issue a certificate or license to the applicant upon payment of the certificate or license fee authorized by this Subpart.

(2) Each certificate holder shall notify the state fire marshal within ten days of the following:

(a) Any change in business address.

(b) Any separation from an employer or change in employer.

(3) Each licensed inspector shall notify the state fire marshal within ten days of the following:

(a) Any change in business address.

(b) Any separation from an employer or change in employer.

Acts 1984, No. 231, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **RS 40:1630**

### **§1630. Restrictions and limitations upon permit holders, certificate holders, and licensed inspectors; prohibited acts**

A. In no case shall a certificate holder or a licensed inspector be allowed to obtain a state fire marshal's certificate or license for more than one fire protection sprinkler contractor at a time.

B. If the sole certificate holder dies, or leaves the employment of the fire protection sprinkler contractor, the contractor shall have forty-five days to submit a new application with evidence that it has at least one employee who is a certificate holder. If such application is not received and a new permit is not issued within the allotted time, the state fire marshal shall revoke the permit of the fire protection sprinkler contractor.

C. No person or entity shall do any of the following:

(1) Engage in fire protection sprinkler contracting without a valid permit.

(2) Engage in fire protection sprinkler contracting without a valid certificate.

(3) Engage in fire protection sprinkler contracting without a valid license.

(4) Obtain or attempt to obtain a permit, certificate, or license by fraudulent representation.

Acts 1984, No. 231, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **RS 40:1631**

**§1631. Expiration of permit, certificate, or license**

A.(1) Every permit, certificate, and license shall expire one year from the date it was issued and shall be renewed on an annual basis. The state fire marshal may stagger renewal dates throughout the year.

(2) At least thirty days prior to expiration, the holder of a permit, certificate, or license must submit a renewal application.

(3) A renewal fee in the amount set forth in this Subpart must be submitted with the renewal application.

B. Failure to renew a permit, certificate, or license prior to the expiration shall cause the permit, certificate, or license to be null and void as of the expiration date, and it shall be unlawful under this Subpart for any person or entity to engage in installing, repairing, altering, adding, maintaining, or inspecting a fire protection sprinkler system without a valid state fire marshal's permit, certificate, or license.

C.(1) An expired permit, certificate, or license may be reinstated by submitting an application for renewal along with payment of the required fee, plus a late fee equal to one-half of the amount required for the initial application fee for the permit, certificate, or license.

(2) However, until such time as a new permit, certificate, or license is issued, it shall be unlawful for the fire protection sprinkler contractor to engage in installing, repairing, altering, adding, maintaining, or inspecting fire protection sprinkler systems.

Acts 1984, No. 231, §1; Acts 1988, No. 474, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

**RS 40:1632**

**§1632. Permit verification; local building officials; local fees**

A. The local building permit official shall require a copy of the fire marshal's permit before issuing a license or building permit.

B. The local official shall impose no other requirements or fees on the certified fire protection sprinkler contractor to prove competency other than proper evidence of a valid fire marshal's permit.

Acts 1984, No. 231, §1.

**RS 40:1633**

**§1633. Powers of local governing authorities regarding shop drawings**

If shop drawings are required to be submitted and approved by any parish or municipal governing authority, the state, or any political subdivision of the state, the plans shall bear the permit numbers of the certified fire protection sprinkler contractor.

Acts 1984, No. 231, §1.

## **RS 40:1634**

### **§1634. Applicability; compliance required before contracts awarded**

A. This Subpart also applies to any fire protection sprinkler contractor performing work for any parish or municipal governing authority or the state.

B. Officials of any parish, municipality, or the state are required to determine compliance with this Subpart before awarding any contracts for the installation, repair, alteration, addition, or inspection of a fire protection sprinkler system.

C. Bids for such shall be accompanied by a copy of a valid fire marshal's permit.

Acts 1984, No. 231, §1.

## **RS 40:1635**

### **§1635. Disposition of collected funds**

A. All funds collected pursuant to this Subpart shall be deposited in the state treasury to the credit of the fire marshal's fund authorized by R.S. 22:1077.

B. The fire marshal shall be authorized to receive grants and donations from associations, firms, or individuals who are interested in the upgrading and quality of fire protection sprinkler systems which shall also be paid to the fire marshal's fund.

C. The fire marshal is authorized to expend moneys from the fire marshal's fund for the administration and enforcement of this Subpart.

Acts 1984, No. 231, §1.

## **RS 40:1636**

### **§1636. Notice, hearing, and revocation of permit, certificate, or license**

The permit, certificate, or license provided for in this Subpart may be revoked after notice and hearing, in accordance with the Administrative Procedure Act, and upon a finding that a person or entity has:

(1) Willfully violated any provision of this Subpart or any rule, regulation, or order adopted hereunder.

(2) Used deceit or false or misleading information in obtaining any permit, certificate, or license pursuant to this Subpart.

(3) Been professionally incompetent or grossly negligent.

(4) Been aiding and abetting a person to evade the provisions of this Subpart or knowingly combining or conspiring with another with intent to evade the provisions of this Subpart and rules and regulations adopted thereunder.

Acts 1984, No. 231, §1; Acts 1988, No. 474, §1; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002

## **RS 40:1637**

### **§1637. Penalties**

A.(1) In addition to or in lieu of administrative sanctions provided in this Subpart, the state fire marshal is empowered to issue an order to any person or entity engaged in any activity, conduct, or practice constituting a violation of any provision of this Subpart, directing such a person or entity to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the state fire marshal.

(2) If the person or entity to whom the state fire marshal directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice immediately after service of such cease and desist order by certified mail, the state fire marshal may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or entity from engaging in any activity, conduct, or practice prohibited by this Subpart.

(3) Upon a proper showing by the state fire marshal that such person or entity has engaged in any activity, conduct, or practice prohibited by this Subpart, the court shall issue a temporary restraining order restraining the person or entity from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

(4) A temporary restraining order, preliminary injunction, or permanent injunction issued under this Subpart shall not be subject to being released upon bond.

B. If the state fire marshal finds that any person or entity has violated any provision of this Subpart or any regulation, rule, or order issued hereunder, he may impose upon that person or entity a fine in an amount not to exceed five thousand dollars for each violation. Procedures for the imposition of fines and appeals of such fines shall be governed by the Administrative Procedure Act.

Acts 1988, No. 475, §1; Acts 1997, No. 789, §2; Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **RS 40:1638**

### **§1638. Fire Sprinkler Trust Fund**

A. Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and

Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Fire Sprinkler Trust Fund.

B. The monies in the Fire Sprinkler Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart and only in the amounts appropriated each year to the state fire marshal by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year, after all such appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

Acts 2002, 1st Ex. Sess., No. 132, §1, eff. April 23, 2002.

## **SUBPART D-1. FIRE SPRINKLER SYSTEMS IN EXISTING BUILDINGS**

### **RS 40:1641**

#### **§1641. Purpose**

A. The legislature hereby finds that existing high rise buildings which do not have fire protection sprinkler systems represent a serious threat to life and property. High rise building fires are particularly dangerous due to the fact that present fire fighting apparatus can only reach floor levels below seventy-five feet in height, leaving upper floors in high rise facilities vulnerable to the unchecked spread of fire, thereby endangering the occupants of those upper floor levels.

B. It is therefore the policy of this state in order to protect life and property from the hazards of fire and panic which may arise from fire or from the threat of fire in high rise buildings to require existing high rise buildings to be protected throughout by an approved fire protection sprinkler system.

Acts 1988, No. 422, §2.

### **RS 40:1642**

#### **§1642. Definitions**

As used in this Subpart, the following terms have these meanings:

(1) "Fire protection sprinkler system" means a system of overhead piping designed in accordance with fire protection engineering standards. The system must be supplied from a reliable, constant, and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground

pipng to a city main or any combination of these. The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this Subpart and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler system, dry-pipe systems, preaction systems, deluge systems, combined dry-pipe and preaction systems, antifreeze systems, and circulating closed loop systems, have meanings as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems.

(2) "Existing high rise buildings" means any building having floor surfaces used for human occupation located more than seventy-five feet above the lowest level of fire department vehicle access constructed before January 1, 1975.

(3) "Master plan" means a specific scheme or plan detailing the number of floors, total square footage, present occupancy and a proposed completion date of each phase and completion date of total compliance with the requirement of this Subpart.

Acts 1988, No. 422, §2.

## **RS 40:1643**

### **§1643. Fire protection sprinkler system required in existing high-rise buildings; exceptions**

A. All existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system.

B. All existing high-rise buildings shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act, which shall establish as minimum standards the provisions of NFPA 13 as published by National Fire Protection Association, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations.

C.(1) Notwithstanding any provision to the contrary, all existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system by January 1, 1999. However, if the state fire marshal determines that an extension can be granted without creating an undue risk to human safety, the fire marshal may grant a one-year extension to those building owners who have made a good faith effort to comply with the fire protection sprinkler system requirement.

(2) The fire marshal may grant one-year extensions of time to complete the installation of a fire protection sprinkler system to those existing high-rise buildings that were not in compliance with the fire protection sprinkler system

requirement on January 1, 1999, but which have a written plan to install such a system that has been approved by the fire marshal including but not limited to shop drawings, contracts, or architectural engineering design documents, provided that the building has sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(3) The fire marshal may grant a reasonable extension of time for compliance with the fire protection sprinkler system requirement upon a showing of each of the following:

(a) A statement of certification that such building shall be demolished or substantially remodeled within five years after July 14, 1999.

(b) Sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(4) Any state-owned building utilized as a state hospital or parish prison shall have until January 1, 2005, to complete installation of the required fire sprinkler system, provided the building has sufficient and adequate fire protection systems such that human occupancy above the seventy-five foot level does not create an undue risk to human life and safety.

(5) For the purposes of this Subpart, the following shall be sufficient and adequate fire protection systems such that undue risk to human life and safety are not created:

(a) Twice the number of fire extinguishers as requested by the NFPA 10.

(b) A fire watch in accordance with the NFPA 601.

(c) A method of occupant notification of emergency conditions.

(d) Persons designated as fire wardens who have access to two-way communication systems, who are trained to use portable fire extinguishing equipment, and who know the emergency evacuation rules and procedures.

(e) Compliance with the means of egress, protection of vertical openings, emergency lighting, and alarm and detection requirements specified by the 1967 edition of the NFPA 101 Life Safety Code.

D. The owners of existing high-rise buildings which are not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system shall submit a written master plan to the state fire marshal on or before January 1, 1991, detailing with specificity a schedule for compliance with this Subpart.

E. Notwithstanding any other provision of law to the contrary, the state fire marshal may authorize alternative approaches for existing high-rise telephone equipment buildings occupied solely by telecommunications service providers which were not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system but which will provide an equivalent level of safety as provided by an approved automatic sprinkler system. Such alternative approaches shall be implemented on or before January 1, 1999. To obtain such

approval, the telecommunications service provider shall submit a written master plan or a completed fire safety evaluation form, as published by the National Fire Protection Association, to the state fire marshal on or before January 1, 1993.

Upon receipt, such master plan or fire safety evaluation shall be evaluated by the state fire marshal to ensure that the building complies with either:

(1) The 1967 edition of the NFPA 101 (Life Safety Code). Such plan or evaluation shall also indicate that an equivalent level of safety is achieved by the proposed alternative.

(2) The compartmentation exception of Section 506 of the 1988 Standard Building Code. Such compliance shall be documented by a certificate signed by a licensed architect or civil engineer.

Acts 1988, No. 422, §2; H.C.R. No. 23, 1990 R.S.; Acts 1992, No. 28, §1; Acts 1998, 1st Ex. Sess., No. 92, §1; Acts 1999, No. 306, §1, eff. June 14, 1999.

## **RS 40:1644**

### **§1644. Cost**

A. No work shall begin until the plans and specifications have been submitted and reviewed by the state fire marshal's office as required by R.S. 40:1574.

B. There shall be a review charge assessed by the state fire marshal as detailed in R.S. 40:1574.1.

Acts 1988, No. 422, §2.

## **RS 40:1645**

### **§1645. Penalty**

Whoever violates the provisions of this Subpart shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars or more than five hundred dollars or to imprisonment of not more than six months, or both.

Acts 1988, No. 422, §2.

## **SUBPART D-2. INSPECTION OF FIRE SPRINKLER SYSTEMS**

## **RS 40:1646**

### **§1646. State fire marshal; owners; fire sprinkler inspections**

A. The fire marshal is authorized to cause the inspection and testing of all fire sprinkler systems in the state, whether in public or private buildings, during

installation or immediately after installation to determine compliance with applicable standards.

B. The owner of any building containing a fire sprinkler system shall cause an annual inspection to be made of the fire sprinkler system in that building to assure compliance with applicable safety standards and to determine whether structural changes in the building or in the contents of the building mandate alteration of a system.

Acts 1991, No. 664, §1.

## **SUBPART E. FIRE EXTINGUISHER SYSTEMS AND FIRE DETECTION AND ALARM SYSTEMS**

### **RS 40:1651**

#### **§1651. Purpose; administration**

A. The purpose of this Subpart is to regulate the leasing, renting, selling, and servicing of portable fire extinguishers and the integrating, certifying, installing, or servicing of fixed fire extinguisher systems and fire detection and alarm systems, and to prohibit the use of portable fire extinguishers, fixed fire extinguisher systems, fire detection and alarm systems, and extinguisher equipment which are not properly labeled in accordance with the rules adopted by the state fire marshal in the interest of safeguarding lives and property.

B. The state fire marshal shall administer this Subpart and may issue rules and regulations which he considers necessary to such administration pursuant to the Administrative Procedure Act. In formulating necessary rules and regulations, the fire marshal may use recognized standards, including those of the National Fire Protection Association, those recognized by federal law or regulation, those published by nationally recognized standards-making organizations, those industry standards established by accepted practices or trade associations, or those contained in manufacturers' installation manuals.

Acts 1990, No. 268, §1; Acts 1991, No. 112, §1; Acts 2003, No. 512, §1.

### **RS 40:1652**

#### **§1652. Definitions**

As used in this Subpart, the following terms shall have the meanings specified in this Section:

- (1) "Firm" means any person, partnership, corporation, or association.
- (2) "Hydrostatic testing" means pressure testing by hydrostatic methods.
- (3) "Portable fire extinguisher" means any portable device that contains liquid, powder, or gases for suppressing or extinguishing fires.

(4) "Servicing" means servicing portable fire extinguishers or fixed fire extinguisher systems by inspecting, charging, filling, maintaining, recharging, refilling, repairing, or testing.

(5) "Fixed fire extinguisher systems" means those assemblies of piping, conduits, or containers that convey liquid, powder, or gases to dispersal openings or devices protecting one or more hazards by suppressing or extinguishing fires, but shall not include fire protection sprinkler systems, as defined in R.S. 40:1625(5).

(6) "Fire detection and alarm systems" means those assemblies of wiring, electronic transmitting devices, detection devices, and related equipment for the detection of products of combustion or flammable gases, heat and for alerting occupants, including fire department personnel, of a fire emergency.

(7) "Engineered fire extinguisher systems" means special suppression systems individually laid out with equipment integration as defined by the manufacturers in accordance with nationally recognized fire protection codes and standards and manufacturing guidelines.

(8) "Qualifier" means a person possessing a current NICET Certificate, minimum Level III in accordance with the requirements of R.S. 40:1657(A)(2) or (A)(3) as appropriate. A person currently serving as a qualifier due to completion of required NICET work elements only, prior to August 15, 2003, will be required to possess the appropriate NICET Level III certification by August 15, 2006. A Louisiana professional engineer may serve as a qualifier if employed by a certified firm and duly licensed as follows:

(a) Special Hazard Systems-Louisiana professional mechanical engineer or fire protection engineer.

(b) Fire Alarm Systems-Louisiana professional electrical engineer or fire protection engineer.

Acts 1990, No. 268, §1; Acts 1991, No. 112, §1; Acts 2003, No. 512, §1.

## **RS 40:1653**

### **§1653. Registration; licensing; fees**

A. Each firm engaged in the business of installing or servicing portable fire extinguishers or integrating, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems shall have a certificate of registration issued by the state fire marshal. The initial fee for the certificate of registration shall be in an amount not to exceed three hundred fifty dollars and the renewal fee for each year thereafter shall be in an amount not to exceed three hundred dollars. Each separate office location of a firm engaged in the business of installing or servicing portable fire extinguishers or integrating, certifying, installing, or servicing fixed extinguisher systems or fire detection and alarm systems, other than the location identified on the certificate of registration, shall have a branch office registration certificate issued by the fire marshal. The initial

fee for a branch office certificate shall be in an amount not to exceed one hundred dollars and the renewal fee for each year thereafter shall be in an amount not to exceed one hundred dollars. The fire marshal shall identify each branch office location as a part of a registered firm before a branch office registration certificate may be issued.

B. A fee in an amount not to exceed twenty dollars shall be charged for a duplicate certificate of registration or license issued under this Subpart or for any request requiring changes to a certificate of registration or license. A new certificate of registration with a new number shall be issued to a registered firm on a change of ownership for a fee in an amount not to exceed four hundred fifty dollars. A fee in an amount not to exceed one hundred dollars shall be charged for a change of ownership of a branch office.

C.(1) Each employee of firms engaged in the business of installing or servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems or fire detection and alarm systems shall have a license issued by the state fire marshal before engaging in any of the following:

(a) Servicing portable fire extinguishers.

(b) Installing, servicing, or certifying preengineered fixed fire extinguisher systems.

(c) Integrating, supervising, or certifying the installation of fixed fire extinguisher systems other than preengineered systems or the servicing of such systems.

(d) Integrating, certifying, installing, or servicing fire detection and alarm systems.

(2) The initial fee for the license required by this Subsection shall be in an amount not to exceed fifty dollars and the license renewal fee for each year thereafter shall be in an amount not to exceed fifty dollars. A nonrefundable fee for the initial examination shall be in an amount not to exceed thirty dollars. A nonrefundable fee in an amount not to exceed twenty dollars shall be charged for each reexamination.

D. Each person servicing portable fire extinguishers or fixed fire extinguisher systems or fire detection and alarm systems as a trainee shall, before servicing any portable fire extinguisher or servicing any fixed fire extinguisher system, or fire detection and alarm system, apply to the state fire marshal for a trainee license. The fire marshal shall establish the qualifications of a trainee by rule. A trainee may perform such services only under the direct supervision of a person holding a valid license pursuant to this Subpart who works for the same firm as the trainee.

E. Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications and procedures of the United States Department of Transportation shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall be required to have a hydrostatic testing certificate of registration authorizing such testing issued

by the state fire marshal. Persons qualified to do this work shall be given such authority on their licenses. The initial fee shall be in an amount not to exceed one hundred dollars and the renewal fee for each year thereafter shall be in an amount not to exceed fifty dollars. Hydrostatic testing of fire extinguishers not performed pursuant to the United States Department of Transportation specifications shall be performed as recommended by the National Fire Protection Association.

F.(1) The state fire marshal may, by rule, license the owner of a fire alarm system and an employee of the owner to allow such employee to perform routine inspections and minor service and repairs of fire detection and alarm systems solely within the facilities of the owner. The owner shall document such service or repair and assume responsibility for all such service or repair.

(2) The initial fee for the license for such owner shall be three hundred fifty dollars, with an annual renewal fee of fifty dollars.

(3) Such employee may perform routine inspection, routine service, and minor service and repair of fire detection and alarm systems within the facilities of the owner. Such employee shall not engage in integrating, installing, or certifying such systems or equipment.

(4) The initial fee and the annual renewal fee for such employee shall be fifty dollars.

G.(1) The state fire marshal may license a person to install, inspect, maintain, and service portable fire extinguishers, fix fire extinguishing systems or equipment, and fix fire alarm and detection systems or equipment while under the direct supervision of a licensed technician, as defined and licensed by rule, who holds a current and valid license for the work to be performed.

(2) The initial fee and the annual renewal fee for such employee shall be fifty dollars.

H. The state fire marshal shall, within the limits fixed by this Section, prescribe the fees to be charged pursuant to this Section by administrative rule.

Acts, 1990, No. 268, §1; Acts 1991, No. 592, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 1999, No. 1156, §1, eff. July 9, 1999; Acts 2003, No. 512, §1.

## **RS 40:1654**

### **§1654. Required insurance**

A. The state fire marshal shall not issue a certificate of registration pursuant to this Subpart unless the applicant files with the fire marshal proof of a policy of public liability insurance conditioned to pay on behalf of the insured those sums that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any business registered or licensed under this Subpart.

B. The limits of insurance coverage required by Subsection A of this Section shall not be less than one million dollars for bodily injury and property damage for each occurrence and not less than one million dollars aggregate for all occurrences, unless the state fire marshal increases or decreases the limits pursuant to R.S. 40:1658(6).

C. The evidence of insurance required by this Section shall be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by an agent licensed in this state or, if the state fire marshal authorizes acceptance of surplus lines coverage pursuant to R.S. 40:1658(6), a certificate of insurance for surplus lines coverage procured through a licensed surplus lines agent resident in this state. Insurance certificates executed and filed with the fire marshal pursuant to this Section shall remain in force until the insurer has terminated future liability by the notice required by the fire marshal.

D. Failure to maintain the liability insurance required by this Section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued pursuant to this Subpart after notice and opportunity for hearing.

Acts 1990, No. 268, §1.

## **RS 40:1655**

### **§1655. Selling or leasing of portable fire extinguishers or fixed fire extinguisher systems**

A. No portable fire extinguisher, fixed fire extinguisher system, fire detection and alarm system, or extinguisher equipment shall be leased, sold, rented, or installed in this state unless it carries a label or listing acceptable to the state fire marshal and the registration number of any firm servicing that equipment.

B. Except as provided in R.S. 40:1656, only the holder of a current and valid license issued pursuant to this Subpart shall service or maintain portable fire extinguishers or install and maintain fixed fire extinguisher systems or fire detection and alarm systems.

C. A person who has been issued a license pursuant to this Subpart to service portable fire extinguishers or install and service fixed fire extinguisher systems or fire detection and alarm systems shall be an employee, agent, or servant of a firm that holds a certificate of registration issued pursuant to this Subpart.

D. A certificate of registration or license issued pursuant to this Subpart shall not be transferable.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 2003, No. 512, §1.

## **RS 40:1656**

### **§1656. Exceptions**

A. The licensing provisions of this Subpart shall not apply to the following:

(1) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.

(2) The servicing by industrial facilities and fire departments of their own portable fire extinguishers by their own personnel specially trained for such servicing.

(3) The installation or servicing of water sprinkler systems installed in compliance with the National Fire Protection Association's Standards for the Installation of Sprinkler Systems.

(4) Firms engaged in the retailing or wholesaling of portable fire extinguishers that carry a label of approval or listing of a testing laboratory approved by the state fire marshal but not engaged in the installation or servicing of such extinguishers.

(5) Fire departments servicing portable fire extinguishers intended for the exclusive use by that fire department when the members of the fire department are trained in the proper servicing of the fire extinguishers.

(6) A firm that is party to a contract that provides that the installation of a fixed fire extinguisher system shall be performed under the supervision of and certified by a person licensed to install and certify fixed systems and that the licensee assumes full responsibility for the installation.

(7) An electrical contractor who has met all requirements and passed a prescribed written examination based upon National Fire Protection Association Code 70, given either by a recognized political subdivision of the state of Louisiana or by the State Licensing Board for Contractors.

(8) A Louisiana registered professional engineer acting solely in his professional capacity.

(9) The installation and servicing of fire detection and alarm systems in residential and one or two family dwellings.

(10) Firms engaged solely in the business of filling compressed gas cylinders.

B. The provisions of this Subpart shall not apply to chemical manufacturing firms or petroleum refineries.

Acts 1990, No. 268, §1; Acts 1991, No. 591, §1; Acts 1991, No. 611, §§ 1, 2; Acts 1991, No. 669, §§1, 2; Acts 1992, No. 1019, §2, eff. July 13, 1992.

## **RS 40:1657**

**§1657. Applications and hearings on licenses and certificates**

A.(1) Applications and qualifications for licenses and certificates issued hereunder shall be made pursuant to rules promulgated and adopted by the state fire marshal pursuant to the Administrative Procedure Act. At a minimum, each employee engaged in the servicing, installing, or certifying of portable fire extinguishers shall complete a prescribed training course offered by the Louisiana State University Fire and Emergency Training Institute or an equivalent training course approved by the fire marshal and shall pass a written examination formulated or approved by the fire marshal.

(2) A firm which integrates prescribed equipment or develops layouts of fixed fire extinguisher systems shall employ at least one individual certified, at a minimum as Level III by the National Institute for Certification in Engineering Technologies (NICET), in the field of Fire Protection Engineering Technology, subfield of Special Hazard Systems or a Louisiana professional engineer, as defined in R.S. 40:1652(8). Engineered systems of this type having detection devices, or actuating components other than mechanical/pneumatic, require fire alarm systems qualifications described in Subparagraph (3) of this Subsection.

This requirement shall not apply to companies that only install, inspect, or service pre-engineered fixed dry chemical fire extinguisher systems.

(3) A firm which integrates prescribed equipment or develops layouts of fire detection and alarm systems shall employ at least one individual certified at a minimum as Level III by NICET in the field of Fire Protection Engineering Technology subfield Fire Detection and Alarm Systems or a Louisiana Professional Engineer, as defined in R.S. 40:1652(8).

B. The state fire marshal may conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of licenses, hydrostatic testing certificates, certificates of registration, or approvals of testing laboratories issued pursuant to this Subpart or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

C. An applicant, registrant, or licensee whose certificate of registration or license has been refused or revoked pursuant to this Subpart, except for failure to pass a required written examination, shall not file another application for a certificate of registration or license within one year from the effective date of the refusal or revocation. After one year from that date, the applicant may reapply and in a public hearing show good cause why the issuance of his certificate of registration or license is not against the public safety and welfare.

D. A person whose license to service portable fire extinguishers or to install or service fixed fire extinguisher systems has been revoked shall retake and pass the required written examination before a new license may be issued.

E. An unexpired license or registration may be renewed by paying the required renewal fee to the state fire marshal before the expiration date of the license or registration. If a license or registration has been expired for not longer than ninety days, the license or registration may be renewed by paying the

required renewal fee and a fee that is one-half of the original fee for the license or registration to the fire marshal. If a license or registration has been expired for more than ninety days but less than two years, the license or registration may be renewed by paying all unpaid renewal fees and a fee that is equal to the original fee for the license or registration to the fire marshal. If a license or registration has been expired for two years or longer, the license or registration shall not be renewed; however, a new license or certificate of registration may be obtained by complying with the requirements and procedures for obtaining an original license or registration. At least thirty days before the expiration of a license or registration, the fire marshal shall send written notice of the impending license or registration expiration to the licensee or registrant at his or its last known address. This Subsection shall not be construed to prevent the fire marshal from denying or refusing to renew a license under applicable law or rules.

F. The state fire marshal by rule may adopt a system under which certificates of registration or licenses expire on various dates during the year. For the year in which the expiration date of the certificate of registration or license is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each registrant or licensee shall pay only that portion of the fee that is allocable to the number of months during which the certificate of registration or license is valid. On each subsequent renewal, the total renewal fee shall be payable.

G. Not later than the thirtieth day after the day on which a licensing examination is administered pursuant to this Subpart, the state fire marshal shall send notice to each examinee of the results of the examination. If an examination is conducted, graded, or reviewed by a testing service, the fire marshal shall send notice to the examinees of the results of the examination within two weeks after the date on which the fire marshal receives the results from the testing service. If the notice of the examination results will be delayed for longer than ninety days after the examination date, the fire marshal shall send notice to the examinee of the reason for the delay before the ninetieth day. If requested in writing by a person who fails the licensing examination administered pursuant to this Subpart, the fire marshal shall send to the person an analysis of the person's performance on the examination.

H. The state fire marshal shall establish by rule procedures for certifying and shall certify continuing education programs for persons licensed pursuant to this Subpart. Participation in such programs shall be mandatory.

I. Repealed by Acts 2003, No. 512, §2.

Acts 1990, No. 268, §1; Acts 1991, No. 594, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 2003, No. 512, §§1 and 2.

## **RS 40:1658**

### **§1658. Powers and duties of state fire marshal**

The state fire marshal shall:

(1) Formulate and administer such rules as may be determined essentially necessary for the protection and preservation of life and property, in controlling the following:

(a) The registration of firms engaging in the business of servicing portable fire extinguishers or integrating, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems.

(b) The registration of firms engaged in the business of hydrostatic testing of fire extinguisher cylinders.

(c) The examination of persons applying for a license.

(d) The licensing of persons to service portable fire extinguishers and to integrate, certify, install, or service fixed fire extinguisher systems or fire detection and alarm systems.

(e) The requirements for the servicing of portable fire extinguishers and the integrating, certifying, installing, or servicing of fixed fire extinguisher systems or fire detection and alarm systems.

(2) Evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers or integrating, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems.

(3) Conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers or to integrate, certify, install, or service fixed fire extinguisher systems or fire detection and alarm systems.

(4) Issue certificates of registration for those firms that qualify under the rules to engage in the business of servicing portable fire extinguishers or integrating, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems, and issue licenses, and authorizations to perform hydrostatic testing to the firms or individuals who qualify.

(5) Evaluate the qualifications of firms seeking approval as testing laboratories.

(6) Have authority, after notice and opportunity for hearing, to increase or decrease the limits of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by R.S. 40:1654 is unavailable to applicants for or holders of certificates of registration.

(7) Formulate and administer such rules as are necessary to determine which class of firms engaged in the integrating, installing, certifying, or servicing of fixed fire extinguisher systems shall be required to employ at least one qualifier as defined in R.S. 40:1652(8).

(8) Formulate and administer such rules necessary for the relabeling of portable fire extinguishers whose label of approval or listing of a testing laboratory has been removed. Portable fire extinguishers shall be relabeled if there is sufficient proof that the extinguisher was properly labeled by a listed testing laboratory and the extinguisher can be certified to be in proper working condition by a firm with a valid certificate of registration.

(9) Evaluate the qualifications of the employees of those entities specified in R.S. 40:1656(A)(2), (5), and (10) which seek to be exempted from the licensing requirements of R.S. 40:1651 et seq.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 1992, No. 1019, §2, eff. July 13, 1992; Acts 2003, No. 512, §1.

## **RS 40:1659**

### **§1659. Prohibited acts**

No person or firm shall do any of the following:

(1) Engage in the business of servicing portable fire extinguishers without a valid certificate of registration.

(2) Engage in the business of integrating, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems without a valid certificate of registration.

(3) Service portable fire extinguishers or integrate, certify, service, or install fixed fire extinguisher systems or fire detection and alarm systems without a valid license.

(4) Perform hydrostatic testing of fire extinguisher cylinders manufactured in accordance with the specifications and requirements of the United States Department of Transportation without a valid hydrostatic testing certificate of registration.

(5) Obtain or attempt to obtain a certificate of registration by fraudulent representation.

(6) Service portable fire extinguishers or integrate, certify, service, or install fixed fire extinguisher systems or fire detection and alarm systems contrary to the provisions of this Subpart or the rules promulgated and adopted pursuant to this Subpart.

(7) Service or hydrostatically test a fire extinguisher that does not have the proper identifying labels.

(8) Sell, service, or recharge a carbon tetrachloride fire extinguisher.

(9) Violate R.S. 40:1655(A).

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 2003, No. 512, §1.

## **RS 40:1660**

### **§1660. Notice, hearing, and revocation of certificate or license**

The certificate or license as provided for in this Subpart may be revoked after notice and hearing in accordance with the Administrative Procedure Act and upon a finding that a person or firm has:

(1) Willfully violated any provision of this Subpart or any rule, regulation, or order adopted hereunder.

(2) Used deceit or false or misleading information in obtaining any certificate or license pursuant to this Subpart.

(3) Has been professionally incompetent or grossly negligent.

(4) Has assisted any person attempting to evade the provisions of this Subpart, or any rules or regulations adopted hereunder.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 2003, No. 512, §1.

## **RS 40:1660.1**

### **§1660.1. Penalties**

A.(1) In addition to or in lieu of administrative sanctions provided in this Subpart, the state fire marshal is empowered to issue an order to any person or firm engaged in any activity, conduct or practice constituting a violation of any provision of this Subpart, directing such a person or firm to forthwith cease and desist from such activity, conduct or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the state fire marshal.

(2) If the person or firm to whom the state fire marshal directs a cease and desist order does not cease and desist the prohibited activity, conduct or practice immediately after service of such cease and desist order by certified mail, the state fire marshal may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct or practice prohibited by this Subpart.

(3) Upon a proper showing by the state fire marshal that such person or firm has engaged in any activity, conduct or practice prohibited by this Subpart, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

(4) A temporary restraining order, preliminary injunction, or permanent injunction issued under this Subpart shall not be subject to being released upon bond.

B. If the state fire marshal finds that any person or firm has violated any provision of this Subpart or any regulation, rule or order issued hereunder, he may impose upon that person or firm a fine in an amount not to exceed five thousand dollars for each violation.

C. Procedures for the imposition of fines and appeals of such fines shall be governed by the Administrative Procedure Act.

Acts 1991, No. 417, §1; Acts 1992, No. 1019, §2, eff. July 13, 1992; Acts 2003, No. 512, §1.

## **RS 40:1660.2**

### **§1660.2. Injunction**

Repealed by Acts 2003, No. 512, §2.

## **RS 40:1661**

### **§1661. Fire Protection Trust Fund**

A. Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the fire marshal pursuant to the Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from the fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the state fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Fire Protection Trust Fund.

B. The monies in the Fire Protection Trust Fund shall be used solely for implementation, administration and enforcement of this Subpart and only in the amounts appropriated each year to the state fire marshal by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year, after all such appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund and no part thereof shall revert to the state general fund.

Acts 1990, No. 268, §1; Acts 2003, No. 512, §1.

## **SUBPART F. ALARM INDUSTRY AND LOCKSMITH LICENSING**

### **RS 40:1662.1**

### **§1662.1. Short title**

This Subpart shall be known as and may be cited as the "Alarm Industry and Locksmith Licensing Act".

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2003, No. 576, §1.

NOTE: See Acts 1995, No. 1054, §3, eff. Aug. 1, 1995.

### **RS 40:1662.2**

#### **§1662.2. Purpose**

A. The purpose of this Subpart is to assure the general public of the competence of individuals and companies which offer electronic protective systems, burglar alarms or alarm systems, certain fire alarms or alarm systems, access control, closed circuit television alarm systems, or services relating to such alarms or systems to the general public by establishing statewide uniform procedures and qualifications for the licensure of such individuals and companies.

B. The further purpose of this Subpart is to assure the general public of the competence of individuals who offer locksmithing services to the general public by establishing statewide uniform qualifications for the licensure of such individuals.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2003, No. 576, §1.

### **RS 40:1662.3**

#### **§1662.3. Definitions**

As used in this Subpart, the following terms shall have the meanings specified in this Section:

(1) "Alarm contracting" means providing an electronic protective system, access control, or a closed circuit television alarm system to another by any means, including but not limited to the sale, lease, rent, design, planning with the intent to prewire, rewiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of an electronic protective system, access control, or closed circuit television alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

(2) "Alarm contracting company" means an entity that holds a Type A license issued by the fire marshal pursuant to this Subpart.

(3) "Board" means the Louisiana Alarm Services Advisory Board.

(4) "Burglar alarm" or "burglar alarm system" means an alarm, alarm system, or portion of such an alarm or system intended to detect or warn of an intrusion or other emergency, not including a fire, in a structure.

(5) "Company" means a proprietorship, partnership, corporation, limited liability company, or any other entity.

(6) "Designated agent" means an owner or a manager of an alarm contracting company or single station fire alarm contracting company, **a locksmithing services company or closed circuit television alarm system contracting company** who has been assigned the responsibility of submitting any notice required by this Subpart to the fire marshal.

(7) "Direct supervision" means constant on-site supervision by an alarm system technician, an alarm system installer, or a single station fire alarm technician, **a locksmith or a locksmith shop technician.**

(8) "Electronic protective system" means a device or a series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual, or electronic signal intended to detect or warn of a threat to a structure or its occupants. This term shall include a burglar alarm, burglar alarm system, a household fire warning system, or a single station fire alarm, all as defined in this Subpart, or a portion or combination of such alarms or systems. However, the term "electronic protective system" shall not include the following:

(a) An alarm or alarm system installed in a motor vehicle.

(b) Any device, alarm, or alarm system which is designed solely to detect or give notice of fire or smoke and which is regulated by Subpart E of this Part.

(c) A burglar alarm, burglar alarm system, or household fire warning system sold at retail to an individual end user for self-installation.

(d) A single station fire alarm installed in a private residence by a fire department, the fire marshal, a public agency, a volunteer association, or their designated representatives where no compensation is received for such installation.

(9) "Employee" means a person who performs services for wages or salary.

(10) "Employer" means a person or entity who hires another to perform services for a wage or salary.

(11) "Household fire warning system" means a fire alarm, fire alarm system, or portion of such an alarm or system intended to detect or warn of smoke or fire and intended for use in a residential one- or two-family dwelling or wholly within the confines of an individual living unit in a residential multi-family structure.

(12) "Individual license" means a Type B, C, D, D-T, E, F, G,H, **I, I-2, J, J-2, K or L** license issued by the fire marshal pursuant to this Subpart.

(13) "Licensee" means a person or entity to whom a license is granted pursuant to this Subpart.

(14) "Officer" means the president, vice president, secretary, treasurer, comptroller, or any other person who performs functions for an alarm contracting company or single station fire alarm contracting company, **a locksmithing**

**services company or closed circuit television alarm system contracting company** corresponding to those performed by those officers.

(15) "Operating location" means a physical address that houses an entity that performs alarm contracting or single station fire alarm contracting, **a locksmithing services company or a closed circuit television alarm system contracting company.**

(16) "Person" means a natural person or individual.

(17) "Principal" means a person or entity that owns at least five percent of an alarm contracting company, a single station fire alarm contracting company, a locksmithing services company **or a closed circuit television alarm system contracting company** regardless of the form of organization. "Principal" includes a person or entity entitled to exercise the prerogatives or indicia of ownership or control of an alarm contracting company, a single station fire alarm contracting company, a locksmithing services company **or a closed circuit television alarm system contracting company** whether by direct action, assignment, or any other kind of substitution or subrogation, to the extent that such person or entity would be entitled to receive at least five percent of the remaining assets of the alarm contracting company, single station fire alarm contracting company, locksmithing services company **or a closed circuit television alarm system contracting company** upon dissolution. "Principal" includes, if the entity is a partnership, each partner, including any general or limited partner. "Principal" includes, if the entity is organized as a corporation, any person or entity who owns or controls five percent or more of the total aggregate number of shares of all types of stock issued by an alarm contracting company, a single station fire alarm contracting company, locksmithing services company **or a closed circuit television alarm system contracting company** organized as a corporation or shares of a corporation that owns or controls an alarm contracting company, a single station fire alarm contracting company, locksmithing services company **or a closed circuit television alarm system contracting company.** "Principal" includes, if the entity is organized as a limited liability company, any member.

(18) "Salesperson" means a person who solicits another on behalf of an alarm contracting company by any means, including but not limited to telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, or a person who participates in design, plan, specification, or layout of an electronic protective system on behalf of an alarm contracting company.

(19) "Single station fire alarm" means any alarm intended to detect or warn of smoke or fire and intended for use in a residential dwelling, and which alarm is neither connected to any external power source nor is linked or connected to any other device or monitoring system.

(20) "Single station fire alarm contracting" means providing a single station fire alarm to another by any means, including but not limited to the sale, lease, rent, design, installation, maintenance, repair, testing, modification,

improvement, alteration, inspection, or servicing of a single station fire alarm; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

(21) "Single station fire alarm contracting company" means an entity that holds a Type A-1 license issued by the fire marshal pursuant to this Subpart.

(22) "Telemarketer" means a person who solicits another by telephone solely for the purpose of arranging future contact with a licensed salesperson.

(23) "Access control" means an electro-mechanical lock, electronic lock, or electronic locking arrangement designed to control access or egress to a premises or controlled area.

(24) (a) "Closed circuit television alarm system" means an alarm system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of visual signals through the use of cameras, receivers, monitors, and other visual imaging systems.

**(b) "Closed circuit television alarm system contracting company" means an entity that holds a Type A-4 license issued by the fire marshal pursuant to this Subpart.**

**(c) "Closed circuit television alarm system contracting" means the selling, designing, repairing, servicing, adjusting and installing of closed circuit television alarm devices or systems.**

(25) "Key duplication machine" means any device which is capable of copying or reproducing keys.

(26) "Locksmith" means an individual who offers or engages in locksmithing services to or for the general public for any type of compensation and has received a license pursuant to this Subpart.

(27) "Locksmith shop technician" means an individual licensed pursuant to this Subpart who offers or engages in locksmithing services to or for the general public for any type of compensation, but only within the confines of the operating location of the locksmithing services company employing such individual **and has received a Type J or Type J-2 license pursuant to this Subpart.**

(28)(a) "Locksmithing services" means the modification, recombination, repair, or installation of mechanical locking devices **or** electrical or electronic locking **devises or** systems for any type of compensation and includes the following:

(i) Selling, designing, repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating, or bypassing of a mechanical **locking device or electrical** or electronic locking device for controlled access or egress to premises, safes, vaults, safe doors, lock boxes, automatic teller machines, or other devices for safeguarding areas where access is meant to be limited **as authorized by a Type A-2 or Type A-3 license.**

(ii) Operating a mechanical, electrical or electronic locking device, safe, or vault by means other than those intended by the manufacturer of such locking

devices, safes, or vaults **as authorized by a Type A-2 or Type A-3 license or selling, designing, repairing, building, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical locking device for controlled access or egress to or within premises as authorized by a Type A-2 or Type A-3 license.**

(iii) Consulting and providing technical advice regarding selection of ~~hardware and locking systems of~~ **mechanical locking devices and the consulting and providing technical advice regarding selection of electrical or electronic locking devices for controlled access to safes, vaults, safe doors, lock boxes, automatic teller machines or other devices** ~~or electronic locking devices~~ **as authorized by a Type A-2 or Type A-3 license.**

(iv) Selling, designing, repairing, servicing, adjusting, and installing closed circuit television alarm **devices or systems as authorized by a Type A-2 license only.**

(v) **Consulting and providing technical advice regarding selection of devices for access control systems or the selling,** designing, repairing, rebuilding, recoding, servicing, adjusting, and installing access control devices **or systems as authorized by a Type A-2 license only.**

(b) "Locksmithing services" shall not include either of the following:

(i) The installation of a prefabricated lock set and door knob into a door of a residence.

(ii) The operation of a key duplicating machine and key blanks, except for those keys which are proprietary and those marked "do not duplicate" or "master key".

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

**(29) "Locksmithing services company" means an entity that holds a Type A-2 or Type A-3 license issued by the fire marshal pursuant to this Subpart.**

## **RS 40:1662.4**

### **§1662.4. Licensure required**

A. No person or company shall engage in alarm contracting or single station fire alarm contracting without holding a current and valid license issued by the fire marshal as provided in this Subpart. However, this requirement for licensure shall not apply to:

(1) Any company or natural person licensed to perform electrical work by the State Licensing Board for Contractors pursuant to R.S. 37:2156.1 and 2156.2. This exception from licensure shall also apply to the employees of a company or natural person excepted by this Paragraph, but only as to work performed by them on behalf of the excepted employer.

(2) The installation of wire, conduit, or other wire raceways, its associated boxes or fittings, or single or multiple station smoke detectors by an entity legally authorized to install commercial light and power service in this state or the employees of such an entity.

(3) Any owner, management company, or public institution and such person's or entity's employees while such person or entity is **designing, installing, inspecting**, repairing, servicing, recoding, adjusting **or testing** closed circuit television alarm systems, ~~access control devices, or both~~, only on the premises of the owner or public institution during the normal course and scope of his duties.

(4) Any owner, management company, or public institution and such person's or entity's employees while such person or entity is **designing**, installing, inspecting, repairing, servicing, or testing a burglar alarm system only on the premises of the owner or public institution during the normal course and scope of his duties.

B. No person or company shall aid, abet, facilitate, or otherwise assist any unlicensed person or company in engaging in alarm contracting, single station fire alarm contracting, **closed circuit television alarm system contracting** or locksmithing services, including but not limited to the sale of an electronic protective system as defined in this Subpart when such person or company knew or should have known that the person or company thus assisted was unlicensed.

C. No person or company shall engage in locksmithing services **or closed circuit television alarm system contracting** without holding a current and valid license issued by the fire marshal as provided in this Subpart. However, this requirement shall not apply to the following:

(1) An officer or employee of the United States, this state, or any political subdivision of either, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either. However, no person or entity excepted from licensure pursuant to this Paragraph shall engage in the sale, **service, repair**, design, or installation of ~~closed circuit television alarm systems, access control devices or systems. both~~.

(2) A member of the building trades performing the installation or removal of complete locks or locking devices when doing so in the course of residential or commercial new construction or remodeling.

(3) Any automotive service dealer, lock manufacturer, or manufacturer's ~~agent~~ **employee** engaged in servicing, installing, repairing, or rebuilding automotive locks.

(4) Any lock, gate, or access control manufacturer, and his ~~agent~~ **employee**, or any merchant or any retail or hardware store that is in the business of **re-coding new locks on the retail premises only** or duplicating keys, except for those keys which are proprietary and those marked "do not duplicate" or "master key"; installing; servicing; repairing; rebuilding; reprogramming; or maintaining electronic garage door devices, electric or electronic gate systems, ~~or hotel/motel~~

~~access control systems~~; or selling locks or similar security accessories not prohibited from sale by the state of Louisiana.

(5) Any employee of a towing service, or an automobile club, while such person is opening automotive locks in the normal course of his duties.

(6) Any owner, management company, or public institution and such person's or entity's ~~agents, employees, and assigns~~ while such person or entity is engaging in locksmithing services only on the premises of the owner or public institution during the normal course and scope of his duties. However, no person or entity excepted from licensure pursuant to this Paragraph shall engage in the sale, **service, repair**, design or installation of ~~closed circuit television alarm systems~~, access control devices or **systems. both.**

(7) Any maintenance employee of a property management company at a multifamily residential building while such person is servicing, installing, repairing, or opening **mechanical** locks for tenants.

(8) Any company or any individual operating solely as a vehicle door unlocking service. However, any person providing locksmithing services in conjunction with a vehicle door unlocking is subject to the provisions of this Subpart.

(9) Any company or natural person licensed to perform electrical work by the State Licensing Board for Contractors pursuant to R.S. 37:2156.1 and 2156.2, but only as to locksmithing or other services limited to access control and closed circuit television alarm systems. This exception from licensure shall also apply to the employees of a company or natural person excepted by this Paragraph, but only as to work performed by them on behalf of the excepted employer. Notwithstanding any other provision of this Subpart, no person licensed under this Subpart may install primary power sources of one hundred volts or greater when such power source is being installed to operate low-voltage systems.

D. Notwithstanding any other provision of this Subpart, a sworn police, fire, or other peace officer or certified medical technician may open any lock or locked motor vehicle while engaged in the performance of his official duties within the course and scope of his employment, provided that he receives no additional compensation for such services.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.5**

### **§1662.5. Administration and enforcement**

A. The state fire marshal shall administer and enforce the provisions of this Subpart and shall have the authority to promulgate and adopt such rules and regulations as may be necessary for such proper administration and enforcement.

B. The Louisiana Alarm Services Advisory Board shall advise the fire marshal with respect to administration and enforcement of the provisions of this Subpart and shall exercise those functions specified in R.S. 40:1662.13(G).

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995.

## **RS 40:1662.6**

### **§1662.6. Application for a Type A, Type A-1, Type A-2, Type A-3 or Type A-4 license**

A.(1) In order to engage in alarm contracting, a company shall apply for and obtain a Type A license for each operating location doing business in the state. A Type A license shall authorize a company to engage in any type of alarm contracting.

(2) In order to engage in single station fire alarm contracting, a company shall apply for and obtain a Type A-1 license for each operating location doing business in the state. A Type A-1 license shall authorize a company to engage in single station fire alarm contracting.

(3) In order to engage in locksmithing services **or closed circuit television alarm system contracting**, a company shall apply for and obtain a Type A-2, **Type A-3 or Type A-4** license for each operating location doing business in the state. A Type A-2 license shall authorize a company to engage in locksmithing services. **A Type A-3 license shall authorize a company to engage in locksmithing services as to mechanical locks for premises and mechanical, electrical or electronic locks for controlled access to safes, vaults, safe doors, lock boxes, automatic teller machines or other devices only. A Type A-4 license shall authorize a company to engage in closed circuit television alarm system contracting only.**

B. An applicant for a Type A or Type A-1 license shall submit the following to the fire marshal:

(1) Documentation that the company is an entity duly authorized to conduct business within this state.

(2) Documentation that the company holds a general liability and errors and omissions insurance policy, or its equivalent, in an amount not less than five hundred thousand dollars.

(3) Documentation that the company carries a current and valid worker's compensation insurance policy as required by state law.

(4) The name of the person who will serve as the designated agent of the company.

(5) For a company applying for a Type A license, evidence that the company has at least one employee who holds a Type B license at each of its operating locations. For a company applying for a Type A-1 license, evidence that the company has at least one employee who holds a Type G license at each of its operating locations.

(6)(a) A statement that no officer or principal has been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge. **A felony that has been dismissed pursuant to Code of Criminal Procedure Article 893 or equivalent judicial dismissal shall not apply to this Paragraph.**

(b) A conviction or a plea of guilty or nolo contendere **to a felony charge or receipt of a first-time offender pardon** shall not constitute an automatic disqualification as otherwise required pursuant to Subparagraph (a) if ten or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole, ~~Code of Criminal Procedure Article 893 or equivalent judicial dismissal process granted.~~

(c) Subparagraph (b) shall not apply to any person convicted of a felony crime of violence specifically enumerated in R.S. 14:2(13) or a sex offense as defined in R.S. 15:541(14.1), with the exception of R.S. 14:92(7) and R.S. 14:80.

**(d) The office of the state fire marshal, code enforcement and building safety, may consider the seriousness and circumstances of the offense and subsequent arrests.**

(7) The application fee authorized by this Subpart.

(8) Documentation that the company is located within the physical boundaries of the state.

(9) A statement authorizing the fire marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the fire marshal for the purpose of verifying the criminal history of a named officer or principal. **The fire marshal shall have the authority to conduct criminal history verification on a local, state or national level.**

(10) The name of each company providing monitoring services.

C. An applicant for a Type A-2, **Type A-3 or Type A-4** license shall submit the following to the fire marshal:

(1) Documentation that the company is an entity duly authorized to conduct business in this state.

(2) Documentation that the company holds a general liability insurance policy or its equivalent.

(3) Documentation that the company carries a current and valid workers' compensation insurance policy as required by state law.

(4) The name of the person who will serve as the designated agent of the company.

(5) Evidence that the company has at least one employee who holds a Type I, **Type I-2**, Type J, **Type J-2 or Type L** license at each of its operating locations.

(6)(a) A statement that no officer or principal has been convicted of a felony, has received a first-offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge. **A felony that has been dismissed**

**pursuant to Code of Criminal Procedure Article 893 or equivalent judicial dismissal shall not apply to this Paragraph.**

(b) A conviction or a plea of guilty or nolo contendere **to a felony charge or receipt of a first-time offender pardon** shall not constitute an automatic disqualification as otherwise required pursuant to Subparagraph (a), if ten or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole, ~~Code of Criminal Procedure Article 893 or equivalent judicial dismissal process granted.~~

(c) Subparagraph (b) shall not apply to any person convicted of a felony crime of violence specifically enumerated in R.S. 14:2(13) or a sex offense as defined in R.S. 15:541(14.1), with the exception of R.S. 14:92(7) and R.S. 14:80.

(d) The office of state fire marshal, code enforcement and building safety, may consider the seriousness and circumstances of the offense and subsequent arrests.

(7) The application fee authorized by this Subpart.

(8) Documentation that the company is located within the physical boundaries of the state.

(9) A statement authorizing the fire marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the fire marshal for the purpose of verifying the criminal history of a named officer or principal. **The fire marshal shall have the authority to conduct criminal history verification on a local, state or national level.**

D. The fire marshal shall have the authority to determine if information submitted by an applicant is in a form acceptable to him. The fire marshal shall verify or have another entity verify information submitted by each applicant.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.7**

### **§1662.7. Issuance of Type A, Type A-1, Type A-2, Type A-3 and Type A-4 licenses; requirements to maintain**

A. If the fire marshal finds that a company has met the requirements of R.S. 40:1662.6, he shall issue a Type A license to engage in alarm contracting, a Type A-1 license to engage in single station fire alarm contracting, or a Type A-2 **or a Type A-3** license to engage in locksmithing services **or a Type A-4 license to engage in closed circuit television alarm system contracting** to that company upon payment of the license fee authorized by this Subpart. Such license shall include the name of the designated agent of the alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company **and each closed circuit television alarm system contracting company** as applicable.

B. Each alarm contracting company, each single station fire alarm contracting company, ~~and each locksmithing services company~~ **and each closed circuit television alarm system contracting company** shall be physically located within the boundaries of the state and shall clearly display its license in a conspicuous location at its place of business.

C. Each alarm contracting company shall employ a Type B license holder. Each single station fire alarm contracting company shall employ a Type G license holder. Each locksmithing services company shall employ a Type I, **Type I-2, Type J or Type J-2** license holder. **Each closed circuit television alarm system contracting company shall employ a Type L license holder.**

D. The designated agent of an alarm contracting company, a single station fire alarm contracting company, ~~or locksmithing services company~~ **or closed circuit television alarm system contracting company** shall notify the fire marshal within ten days of the following:

(1) Any change in the business address of the company.

(2)(a) Any change in ownership of or interest in the company. ~~or if any owner, partner, or other principal with an interest in the company has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge.~~

(b) Any owner, partner or other principal with an interest in the company which has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge or received a first-time offender pardon. A felony that has been dismissed pursuant to Code of Criminal Procedure Article 893 or equivalent judicial dismissal shall not apply to this Paragraph.

(c) A conviction or a plea of guilty or nolo contendere **to a felony charge or receipt of a first-time pardon** shall not constitute an automatic disqualification as otherwise required pursuant to Subparagraph (b) if ten or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole. ~~Code of Criminal Procedure Article 893 or equivalent judicial dismissal process granted.~~

(d) Subparagraph (a) shall not apply to any person convicted of a crime of violence as defined in R.S. 14:2(13) **or a sex offense as defined in R.S. 15:54(14.1), with the exception of R.S. 14:92(7) and R.S. 14:80.**

(e) The office of state fire marshal, code enforcement and building safety may consider the seriousness and circumstances of the offense and subsequent arrests.

(3) Any change in the employment of a person holding an individual license.

(4) A change of the company providing monitoring services.

E.(1) In the event of the death of the sole Type B license holder employed by an alarm contracting company, the sole Type G license holder of a single station fire alarm contracting company, or the sole Type I, **Type I-2, Type J or**

**Type J-2** license holder of a locksmithing services company, **or the sole Type L license holder of a closed circuit television alarm system contracting company** or the separation of any such license holder from his company for any other reason, the alarm contracting company shall employ another Type B license holder, the single station fire alarm contracting company shall employ another Type G license holder, and the locksmithing services company shall employ another Type I, **Type I-2, Type J or Type J-2** license holder, **the closed circuit television alarm system contracting company shall employ another Type L license holder** within ninety days.

(2) In the event of the death of its designated agent or his separation from the company for any other reason, an alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company **or closed circuit television alarm system contracting company** shall name another owner or manager as its designated agent within ninety days and shall notify the fire marshal of such designation within ten days.

F. Each alarm contracting company, single **station** fire alarm contracting company, ~~or~~ locksmithing services company **or closed circuit television alarm system contracting company** doing business in the state shall be open for inspection by the fire marshal or his designated representative at any reasonable time for the purpose of observation and collection of facts and data relating to proper enforcement of this Subpart. No person acting on behalf of an alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company **or closed circuit television alarm system contracting company** shall refuse to admit the fire marshal or his designated representative to an operating location.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.8**

### **§1662.8. Application for an individual license**

A. In order to engage in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting company** a person shall hold an individual license issued by the fire marshal. Such a license shall authorize its holder to engage in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting company** only to the extent of its terms as further provided in this Section.

B. Any person desiring to engage in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting company** shall apply to the fire marshal on a form specified and provided by the fire marshal. Such application shall be accompanied by:

(1) Two suitable photographs of the applicant acceptable to the fire marshal. The fire marshal shall keep one photograph on file and shall make the other photograph a part of any license subsequently issued to the applicant.

(2) Documentation that the applicant meets requirements applicable to the type of license for which he is applying, as follows:

(a) For a Type B license: a minimum of National Burglar and Fire Alarm Association Advanced Alarm Technician or equivalent training approved by the board, and documentation proving residency within a radius of one hundred fifty miles of the Type A licensed office to which he is assigned.

(b) For a Type C license: a minimum of National Burglar and Fire Alarm Association Level I or equivalent training approved by the board.

(c) For a Type E license: attendance at National Burglar and Fire Alarm Association Sales Understanding Alarms Training, equivalent training approved by the board, or a minimum of two years of design and sales experience in the alarm industry attested to in a notarized affidavit and payroll records provided by the applicant.

(d) For a Type F license: application for a Type E license accompanied by a letter of intent to complete the training requirements within twelve months.

(e) For a Type G license: a minimum of National Burglar and Fire Alarm Association Fire Alarm Installation Methods training, or equivalent training approved by the board.

(f) For a Type H license: application for a Type G license accompanied by a letter of intent to complete the training requirements within twelve months.

(g) For a Type I license: successful completion of a standardized program approved by the board and acceptable to the state fire marshal, **except that an individual who can demonstrate that he has been actively engaged in locksmithing for a minimum of five years prior to August 1, 2004, shall not be required to complete a standardized program.**

(h) For a Type J license: successful completion of a standardized program approved by the board and acceptable to the state fire marshal, **except that an individual who can demonstrate that he has been actively engaged in locksmithing for a minimum of five years prior to August 1, 2004, shall not be required to complete a standardized program.**

(i) For a Type I-2 license: **successful completion of a standardized program approved by the board and acceptable to the state fire marshal, except that an individual who can demonstrate that he has been actively engaged in locksmithing for a minimum of five years prior to August 1, 2004, shall not be required to complete a standardized program.**

(j) For a Type J-2 license: **successful completion of a standardized program approved by the board and acceptable to the state fire marshal, except that an individual who can demonstrate that he has been actively engaged in locksmithing for a minimum of five years prior to August 1, 2004, shall not be required to complete a standardized program.**

**(k) For a Type L license: successful completion of a standardized program approved by the board and acceptable to the state fire marshal, except that an individual who can demonstrate that he has been actively engaged in closed circuit television alarm system contracting for a minimum of five years prior to August 1, 2004, shall not be required to complete a standardized program.**

(3)(a) A statement by the applicant that he has not been convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge. A felony that has been dismissed pursuant to Code of Criminal Procedure Article 893 **or equivalent judicial dismissal** shall not apply to this Paragraph.

(b) A conviction or a plea of guilty or nolo contendere **to a felony charge or receipt of a first-time offender pardon** shall not constitute an automatic disqualification as otherwise required pursuant to Subparagraph (a) if ten or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole. ~~Code of Criminal Procedure Article 893 or equivalent judicial dismissal process granted.~~

(c) Subparagraph (b) shall not apply to any person convicted of a felony crime of violence specifically enumerated in R.S. 14:2(13) or a sex offense as defined in R.S. 15:541(14.1), with the exception of R.S. 14:92(7) and R.S. 14:80.

(4) A statement authorizing the fire marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the fire marshal for the purpose of verifying the applicant's criminal history. **The state fire marshal shall have the authority to conduct criminal history verification on a local, state or national level.**

(5) The application fee authorized by this Subpart.

C. The fire marshal shall have the authority to determine if information submitted by an applicant is in a form acceptable to him. The fire marshal shall verify or have another entity verify information submitted by each applicant.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1016, §1; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.9**

### **§1662.9. Issuance of individual licenses; requirements to maintain**

A. The fire marshal is authorized to issue individual licenses to qualified applicants, as follows:

(1) Type B license: Alarm System Technician. Such license shall authorize its holder to design, plan, specify, layout, sell, prewire, install, maintain, repair, test, inspect, or service an electronic protective system while in the employ of an alarm contracting company.

(2) Type C license: Alarm System Installer. Such license shall authorize its holder to design, plan, specify, layout, sell, prewire, install, maintain, repair, test, inspect, or service an electronic protective system while in the employ of an alarm contracting company.

(3) Type D license: Alarm System Apprentice. Such license shall authorize its holder to prewire, install, maintain, repair, test, inspect, or service an electronic protective system only while under the direct supervision of a Type B or C license holder in the **same** employ of an alarm contracting company. **Such license shall also authorize its holder to observe the installation and/or service of an electronic protective system in the company of a Type B or C license holder in the same employ of an alarm contracting company.**

(4) Type D-T license: Temporary Apprentice. Such license shall authorize its holder to act as a temporary alarm system apprentice for a thirty-day calendar period commencing on the date the fire marshal receives an application from the applicant for a Type D license accompanied by a criminal record check of the applicant. Such license shall expire on the thirtieth calendar day after its commencement or on the date of issuance of a Type D license, whichever is earlier.

(5) Type E license: Alarm System Salesperson. Such license shall authorize its holder to design, plan, specify, lay out, or sell an electronic protective system while in the employ of an alarm contracting company. **Such license shall also authorize its holder to observe the installation and/or service of an electronic protective system in the company of a Type B or C license holder in the same employ of an alarm contracting company.**

(6) Type F license. Salesperson Trainee. Such license shall authorize its holder to perform the functions of a Type E licensee for a period of twelve months from the date of issuance and shall not be renewable.

(7) Type G license. Single station fire alarm technician. Such license shall authorize its holder to design, plan, specify, layout, sell, install, maintain, repair, test, inspect, or service single station fire alarms while in the employ of a single station fire alarm contracting company.

(8) Type H license. Single station fire alarm technician apprentice. Such license shall authorize its holder to perform the functions of a Type G licensee while working under the direct supervision of a person holding a Type G license.

(9) Type I license. Locksmith. Such license shall authorize its holder to engage in locksmithing services.

(10) Type J license. Locksmith shop technician. Such license shall authorize its holder to engage in locksmithing services only within the confines of the operating location of the locksmithing services company employing such individual.

(11) Type K license. Locksmith apprentice. Such license shall authorize its holder to perform the functions of a Type I, **Type I-2, Type J or Type J-2**

licensee while working under the direct supervision of a person holding a Type I, **Type I-2**, Type J or **Type J-2** license.

**(12) Type I-2 license: Locksmith (limited).** Such license shall authorize its holder to engage in locksmithing services as to mechanical locks for premises and mechanical, electrical or electronic locks for controlled access to safes, vaults, safe doors, lock boxes, automatic teller machines or other devices only.

**(13) Type J-2 license: Locksmith Shop Technician (limited).** Such license shall authorize its holder to engage in locksmithing services as to mechanical locks for premises and mechanical, electrical or electronic locks for controlled access to safes, vaults, safe doors, lock boxes, automatic teller machines or other devices only within the confines of the operating location of the locksmithing services company employing such individuals.

**(14) Type L license: Closed circuit television alarm system technician.** Such license shall authorize its holder to engage in closed circuit television alarm system contracting only.

B. If the fire marshal finds that an applicant has met the applicable requirements of R.S. 40:1662.8, he shall issue the appropriate type of license to the applicant upon payment of the license fee authorized by this Subpart.

C. Each individual license holder shall maintain his license on his person while engaging in any type of alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services, **or closed circuit television alarm system contracting** as applicable. Each such license holder shall present his license for inspection upon demand by an employee of the office of the state fire marshal or a law enforcement officer.

D. Each individual license holder shall notify the fire marshal, on a form specified and provided by the fire marshal, within ten days of the following:

- (1) Any change in business **or home** address.
- (2) Any separation from an employer or change in employer.
- (3) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge **or receipt of a first-time offender pardon.**

E. No individual licensed under this Section shall contract for his services as an independent contractor or agent with any alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company **or closed circuit television alarm system contracting company** or with any other license holder under this Section. No alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company, **or closed circuit television alarm system contracting company** shall contract for the independent services of a holder of an individual license under this Section.

F. The fire marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, if the fire marshal has established the criteria for acceptance of reciprocal agreements by rule or regulation.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.10**

### **§1662.10. Provisional license**

A. The fire marshal may issue a provisional license to engage in locksmithing services to any person or company who applies for such provisional license by February 1, 2004. In determining eligibility for a provisional license, the fire marshal may waive any qualifications for training or experience required by R.S. 40:1662.8(B) for issuance of an individual license.

B. The term of a provisional license shall not extend beyond August 1, 2004, after which time any person or company engaging in locksmithing services shall be licensed pursuant to the provisions of this Subpart in order to engage in locksmithing services.

Acts 2003, No. 576, §1.

## **RS 40:1662.11**

### **§1662.11. License renewal; continuing education requirements**

A.(1) Each license issued pursuant to this Subpart, except a Type D-T, a Type F, or Type H license, shall be valid for a period of one year from its date of issuance and shall be renewed annually, on or before the anniversary date, by forwarding to the fire marshal a renewal application accompanied by the payment of the renewal fee authorized by this Subpart.

(2) Each licensee renewing a Type B, C, E, G, I, J, **I-2, J-2 or L** license shall additionally submit the materials required by R.S. 40:1662.8(B) and documentation of having satisfactorily completed continuing education requirements as established by the board.

B. Any license not renewed on or before its anniversary date shall expire and may be reinstated only upon payment of the reinstatement fee authorized by this Subpart.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.12**

### **§1662.12. Fees; Alarm Regulatory Trust Fund**

A. The fire marshal is authorized to assess and collect fees pursuant to this Subpart, the amount of which shall not exceed the following:

- |                                     |          |
|-------------------------------------|----------|
| (1) Application fee                 | \$ 50.00 |
| (2) Provisional or original Type A, |          |

A-1, A-2, <b>A-3 or A-4</b> license fee	\$ 200.00
(3) Provisional or original individual license fee	\$ 50.00
(4) Annual renewal fee	\$ 50.00
(5) Reinstatement fee for a Type A, A-1, A-2, <b>A-3 or A-4</b> license	\$ 200.00
(6) Reinstatement fee for an individual license	\$ 50.00
(7) Fee for a duplicate or replacement license	\$ 20.00

B. The fees established in this Section shall not be refundable except under such conditions as the fire marshal may establish.

C.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Louisiana Alarm Regulatory Trust Fund.

(2) The monies in the Louisiana Alarm Regulatory Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart and only in the amounts appropriated each year to the fire marshal or the board by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year, after all such appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.13**

### **§1662.13. Alarm Services Advisory Board**

A. The Alarm Services Advisory Board is hereby created and placed within the Department of Public Safety and Corrections as further provided by R.S. 36:409(M) and 919.3. The board shall be composed of seven members, as follows:

(1)(a) Five members shall be appointed by the governor from a list of nominees submitted to the governor by the Louisiana Burglar and Fire Alarm Association on the basis of its regions; however, no more than two persons shall be appointed from a single region.

(b) One member shall be a locksmith or locksmith shop technician to be appointed by the governor from a list of nominees submitted to the governor by the Louisiana Burglar and Fire Alarm Association.

(c) Any person appointed to the board shall be licensed pursuant to this Subpart and shall have been engaged in alarm contracting, single station fire alarm contracting, or locksmithing services for a minimum of four years prior to his appointment.

(2)(a) One member shall be an employee of the office of the state fire marshal designated by the fire marshal.

(b) Such member shall serve as the chairman of the board but shall not vote except in the event of a tie vote of the members present and voting.

B.(1) Each appointed member shall serve a term of two years.

(2) The member designated by the fire marshal shall serve a term concurrent with the term of the fire marshal making such designation.

(3) No member shall serve more than two consecutive terms except the member designated by the fire marshal.

(4) A vacancy on the board occurring prior to expiration of a term shall be filled in the manner of the original appointment for the remainder of the term.

C. The board shall meet upon the call of the chairman or upon the written request of any three members of the board. Notice of any such meeting shall be given to board members and the public at least fourteen days in advance.

D. Four members of the board shall constitute a quorum for the transaction of business. The board may take action by majority vote of its members present and voting.

E. Each appointed member of the board shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department of Public Safety and Corrections, for each day that the member engages in board business.

F. No member of the board shall be liable to civil action for any act performed in good faith in the execution of his duties as a board member.

G. The board shall have the authority to approve written training programs as acceptable equivalents for meeting the training requirements of R.S. 40:1662.8(B)(2). The board may also accept, as such an equivalent, licensure of a company or person by a jurisdiction outside this state which has standards and requirements of practice which substantially conform to the provisions of this Subpart. The board shall also establish continuing education requirements pursuant to R.S. 40:1662.11(A)(2).

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## RS 40:1662.14

### §1662.14. Classification of offenses or prohibited acts

A. Class I offenses shall be as follows:

(1) Signature of or submission of any document to the fire marshal when the applicant or licensee reasonably should have known that the document contained false or misleading information.

(2) Failure of an alarm contracting company, single station fire alarm contracting company, locksmithing services company to timely notify the fire marshal of certain changes in the status of the licensee as required by R.S. 40:1662.7 and 1662.9(D).

(3) Failure of an alarm contracting company, single station fire alarm contracting company, ~~or~~ locksmithing services company **or closed circuit television alarm system contracting company** as applicable, to do either of the following:

(a) Clearly display the company's license at its place of business as required by R.S. 40:1662.7(B).

(b) Replace a required Type B, Type G, Type I, **Type I-2**, Type J, **Type J-2 or Type L** license holder or its designated agent and to timely notify the fire marshal as required by R.S. 40:1662.7.

(4) Failure of an individual license holder to maintain his license on his person and to present it for inspection as required by R.S. 40:1662.9(C).

(5) Assisting an unlicensed person or company to engage in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting** as prohibited by R.S. 40:1662.4(C).

(6) Refuse to admit the fire marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required in R.S. 40:1662.7.

B. Class II offenses shall be as follows:

(1) Commission of a second Class I offense.

(2) A Class I offense committed during a probation of one's licensure for a Class I offense.

C. A Class III offense shall be as follows:

(1) The knowing and willful signature of or submission of any document to the fire marshal when the applicant or licensee knew that document contained false or intentionally misleading information.

(2) Engaging in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting** without a license as prohibited by R.S. 40:1662.4(A) and (C).

(3) Engaging in alarm contracting, single station fire alarm contracting, ~~or~~ locksmithing services **or closed circuit television alarm system contracting** during suspension of one's license.

(4) The repeated, flagrant, and willful commission of Class I offenses.

(5) Failure by an alarm contracting company or single station fire alarm contracting company to maintain a general liability and errors and omissions policy as required by R.S. 40:1662.6 or to maintain workers' compensation insurance as required by state law.

(6) Failure by a locksmithing services company **or closed circuit television alarm system contracting company** to maintain a general liability insurance policy, or its equivalent, as required by R.S. 40:1662.6 and a workers' compensation insurance policy as required by state law.

**(7) Engaging in false, misleading or deceptive acts or practices.**

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1999, No. 1136, §1, eff. July 9, 1999; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.15**

### **§1662.15. Penalties**

A. The fire marshal may impose, by written citation after reasonable notice and opportunity for hearing in accordance with the Administrative Procedure Act, penalties for violation of this Subpart as provided in this Section. Appeals from imposition of such penalties shall also be governed by the Administrative Procedure Act.

B. A Class I offense shall be punishable by any or all of the following:

(1) Written reprimand by the fire marshal. Such reprimand shall be a part of the record of the licensee and shall be maintained by the fire marshal for a period of three years. During such time, the reprimand may be given consideration in taking any subsequent disciplinary action against that licensee.

(2) Probation of licensure for not more than twelve months. Such probation may include placement of restrictions on the alarm contracting, single station fire alarm contracting, or locksmithing services **or closed circuit television alarm system contracting** activities and the license of the offender. Any subsequent offense committed during probation will make the offender subject to penalties for a Class II offense.

(3) A fine of not more than five hundred dollars.

C. A Class II offense shall be punishable by any or all of the following:

(1) Any penalty authorized for a Class I offense.

(2) Suspension of licensure for not more than twelve months.

(3) A fine of not more than one thousand dollars.

D. A Class III offense shall be punishable by any or all of the following:

(1) Any penalty authorized for a Class II offense.

(2) Revocation of licensure.

(3) A fine of not more than five thousand dollars.

E. The fire marshal may impose a separate penalty for each separate commission of an offense.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.16**

### **§1662.16. Effect on local regulation**

A. Except for requirements which pertain to all types of businesses generally, no parish or municipality shall enact any new ordinance, rule, or regulation regulating companies and persons subject to licensure pursuant to this Subpart.

B. This Subpart shall supersede any existing parish or municipal ordinance, rule, or regulation requiring certification or licensure of companies and persons engaged in alarm contracting or single station fire alarm contracting, and such ordinances, rules, and regulations shall be null, void, and of no effect.

C. Additionally, beginning on August 15, 2003, this Subpart shall supersede any existing parish or municipal ordinance, rule, or regulation requiring certification or licensure of companies and persons engaged in locksmithing services, and such ordinances, rules, and regulations shall be null, void, and of no effect.

**D. Additionally, beginning on August 15, 2004, this Subpart shall supersede any existing parish or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in closed circuit television alarm system contracting and such ordinances, rules and regulations shall be null, void and of no effect.**

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 2001, No. 1085, §1, eff. June 28, 2001; Acts 2003, No. 576, §1.

## **RS 40:1662.17**

### **§1662.17. Injunction**

A. In addition to the penalties otherwise provided for by this Subpart, the fire marshal may cause to issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Subpart.

B. In the suit for an injunction, the fire marshal may demand of the defendant a penalty of fifty dollars per day for each violation, reasonable attorney fees, and court costs. Judgment for penalty, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made absolute.

However, if such injunction is not made absolute, the fire marshal shall be liable to the defendant for the payment of his attorney fees and court costs.

Acts 1995, No. 1054, §2, eff. Aug. 1, 1995.

## **RS 40:1662.18**

### **§1662.18. Purchased electronic protective system; penalty**

A. Each alarm contracting company engaged in alarm contracting who sells an electronic protective system to a consumer shall immediately return the lockout, installer, or programming code of the electronic protective system to the factory default setting when the consumer cancels the contract with the alarm company and contracts with another alarm company provided all original contractual obligations are fulfilled.

B. In addition to the penalties provided in this Subpart, any alarm contracting company who violates this Section shall have its license revoked and be subject to a civil fine by the board of not less than five hundred dollars nor more than two thousand dollars.

Acts 1999, No. 216, §1.

## **PART III. SAFETY GLAZING IN HAZARDOUS LOCATIONS**

## **RS 40:1711**

### **§1711. Definitions**

As used in this part, the following terms shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise:

(1) "Safety glazing material" means any glazing material such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the Louisiana State Fire Marshal and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

(2) "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as determined by the Louisiana State Fire Marshal; whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

For the purposes of this part wood panel doors with small lights thirty-six inches or more above the floor, French doors and doors with leaded glass lights are not to be considered hazardous and these installations are not to be included within the definition of hazardous locations as set forth hereinabove.

Added by Acts 1972, No. 719, §1. Amended by Acts 1974, No. 680, §1.

## **RS 40:1712**

### **§1712. Labeling required**

A. Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the State of Louisiana shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material on the safety glazing material, or by other suitable means. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1-1966. The label must be legible and visible after installation.

B. Such safety glazing labeling shall not be used on other than safety glazing materials.

Added by Acts 1972, No. 719, §1.

## **RS 40:1713**

### **§1713. Safety glazing materials required**

It shall be unlawful within the State of Louisiana to knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location, as defined herein above, after the effective date of this Part. This Part shall not be construed as being retroactive and shall become effective on January 1, 1973.

Added by Acts 1972, No. 719, §1.

## **RS 40:1714**

### **§1714. Employees not covered**

No liability under this Part shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with Part.

Added by Acts 1972, No. 719, §1.

## **RS 40:1715**

**§1715. Penalty**

Whoever violates the provisions of this Part shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars or more than one thousand dollars, or to imprisonment of not more than six months, or both.

Added by Acts 1972, No. 719, §1.

**PART IV-A. STATE UNIFORM CONSTRUCTION CODE**

**RS 40:1725**

**§1725. Short title**

This Chapter shall be known, and may be cited and referred to, as the "State Uniform Construction Code".

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

**RS 40:1726**

**§1726. Purpose**

It is the intent and purpose of this Part:

(1) To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards.

(2) To formulate such requirements, to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability.

(3) To permit to the fullest extent feasible the use of modern technical methods, devices and improvements, including premanufactured systems, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures.

(4) To eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(5) To insure adequate maintenance of buildings and structures throughout the state and to adequately protect the health, safety, and welfare of the people.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

**RS 40:1727**

### **§1727. Legislative findings**

It is hereby found and declared:

(1) That a multiplicity of construction codes currently exists in this state and some of these codes contain needless restrictions which limit the use of certain materials, techniques, or products without any benefits to the public. However, the variation of construction standards caused by the multiplicity of codes slows the process of construction and increases the costs of construction.

(2) That the way to insure uniform, modern construction standards and regulations throughout the state of Louisiana which will lower the cost of housing and other construction without any detriment to the public health, safety, and welfare is to adopt a uniform state construction code.

(3) That the model codes of the International Building Code, 2000 Edition, published by the International Code Council and the National Electrical Code, published by the National Fire Protection Association, as well as Part XIV (Plumbing) of the State Sanitary Code, are designated as the state uniform construction codes in this state, and adoption of these nationally recognized codes will insure that the state has a uniform, modern construction code which will insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of this state.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992; Acts 2003, No. 387, §1, eff. Jan. 1, 2004.

### **RS 40:1728**

#### **§1728. Adoption of uniform code; enforcement; rules**

A. The International Building Code, 2000 Edition, published by the International Code Council, the National Electrical Code, 1999 Edition published by the National Fire Protection Association, and Part XIV (Plumbing) of the State Sanitary Code as promulgated by the secretary of the Department of Health and Hospitals are hereby adopted as the State Uniform Construction Code.

B. If a building code is adopted by any political subdivision of this state, it must adopt the State Uniform Construction Code.

C. If a political subdivision chooses not to enforce a building code on its own upon request of a local jurisdiction, the state fire marshal may enforce at his option the State Uniform Construction Code on its behalf.

D. Nothing in this Part shall be construed so as to prevent the state fire marshal from enforcing the fire protection, life safety, handicapped accessibility, and high rise laws of this state, the enforcement of which are his statutory and regulatory responsibility.

E. The state fire marshal shall have the power to promulgate those rules and regulations as may be necessary to enforce the provisions of this Part.

F. Plans and specifications for enforcement of the state's fire protection, life safety, handicapped accessibility, and high rise statutes shall be submitted to

the fire marshal pursuant to R.S. 40:1574(A) and (B). Plans and specifications for compliance with the State Uniform Construction Code shall be submitted to the local building official in parishes or municipalities which have ordinances mandating this function except as provided in Subsection C.

G. In the event that the governing authority of any municipality or parish finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992; Acts 2003, No. 387, §1, eff. Jan. 1, 2004.

## **RS 40:1729**

### **§1729. Building code enforcement departments not required**

Nothing contained in this Part or in any building code shall be construed as requiring any political subdivision to establish an office or any other kind of unit in order to enforce the provisions of the State Uniform Construction Code.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

## **RS 40:1730**

### **§1730. Scope of building codes**

A. The performance of any enforcement procedure in connection with any building code shall be deemed to be a discretionary act and shall be subject to the provisions of R.S. 9:2798.1. In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by an enforcement agency as to durability or fitness, or as a warranty or guarantee by an enforcement agency that said building, structure, or other improvement to immovable property or any material, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way.

B. The provisions of this Part shall not apply to state owned buildings to which the provisions of Part IV of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950 apply.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

## **PART IV-B. COMMERCIAL BUILDING ENERGY CONSERVATION CODE**

## **RS 40:1730.21**

### **§1730.21. Short title**

This Part shall be known, and may be cited and referred to, as the "Commercial Building Energy Conservation Code" or the "Energy Code".  
Acts 1997, No. 1120, §1.

## **RS 40:1730.22**

### **§1730.22. Definitions**

(1) "Alteration" means alterations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), and (F).

(2) "ASHRAE/IES 90.1-1989" means the document developed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America entitled "Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings".

(3) "Commercial buildings" means all buildings designed for human occupancy except residential buildings of three stories or less.

(4) "COMcheck-EZ" means the commercial building energy code compliance package, including computer software, developed by Pacific Northwest National Laboratory under contract to the United States Department of Energy as a simplified method of demonstrating compliance with ASHRAE/IES 90.1-1989.

(5) "EPAct" means the Energy Policy Act of 1992 enacted by the Congress of the United States.

(6) "Historic buildings" means those buildings specifically designated as historically significant by the state historic preservation officer or by official action of a local government.

(7) "MECcheck" means the Model Energy Code compliance package, including computer software, developed by Pacific Northwest National Laboratory under contract to the United States Department of Energy as a simplified method of demonstrating compliance with the Model Energy Code.

(8) "Model Energy Code" means the document developed by the Council of American Building Officials entitled the Model Energy Code -- 1995 Edition.

(9) "Repair" means alterations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), and (F).

(10) "Residential buildings" means one and two family dwellings. These buildings are identified as Group R3 in the Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code).

Acts 1997, No. 1120, §1.

## **RS 40:1730.23**

### **§1730.23. Legislative findings**

It is hereby found and declared:

(1) The Energy Policy Act of 1992 (EPAAct) enacted by the Congress of the United States requires that all states adopt energy efficiency standards for commercial buildings that are at least as stringent as ASHRAE/IES 90.1-1989.

(2) The intent of EPAAct was to develop a national energy strategy that protects the national security interests of the United States by reducing reliance on imported energy supplies, enhancing the competitiveness of United States companies in a global economy, and protecting the environment and the quality of life of citizens of the United States.

(3) As a major energy producer and consumer, the state of Louisiana has a responsibility to do its part to help the Congress of the United States achieve the goals of EPAAct.

(4) It is estimated that enactment in Louisiana of a commercial building energy code based on ASHRAE/IES 90.1-1989 will, by the year 2000, reduce energy consumption by ninety-seven billion British thermal units annually, save Louisiana building owners and tenants over one million two hundred thousand dollars annually in utility costs, and reduce emissions by the equivalent of thirty-four million pounds of carbon dioxide each year.

(5) An effective statewide building code system, including energy codes, will enhance Louisiana's ability to avoid increased building insurance premiums for its citizens when the Insurance Services Organization (ISO) Building Code Effectiveness Grading Scale is applied to Louisiana.

(6) Adoption of a nationally recognized energy efficiency standard will enable Louisiana designers, builders, and code officials to participate in training opportunities and to use the computer software programs that are now available throughout the country.

(7) It is more cost-effective to adopt a single statewide model energy code, with state amendments, than for multiple jurisdictions to go to the expense of researching, drafting, and adopting local energy codes individually. It is also easier for the design and construction communities to learn and conform to one energy code instead of multiple codes.

Acts 1997, No. 1120, §1.

### **RS 40:1730.24**

#### **§1730.24. Purpose**

It is the intent and purpose of this Part to institute minimum energy conservation standards for all new construction and all applicable alterations and repairs of commercial buildings within Louisiana.

Acts 1997, No. 1120, §1.

## **RS 40:1730.25**

### **§1730.25. Scope of Commercial Building Energy Conservation Code**

A. All new commercial buildings constructed in Louisiana must comply with the Commercial Building Energy Conservation Code.

B. The provisions of R.S. 40:1574(C), (D), (E), and (F) as to code applicability and conformance level for alterations and repairs shall also apply to the provisions of this Part.

C. The following buildings are exempted from the provisions of this Part:

(1) Buildings or portions thereof separated from the remainder of the building that have a peak energy usage for space conditioning, service water heating, and lighting of less than three and one-half British thermal units an hour per square foot of gross floor area.

(2) Buildings of less than one hundred square feet of gross floor area.

(3) Areas of buildings intended primarily for manufacturing or commercial or industrial processing.

D. The state fire marshal or the facility planning and control section of the division of administration may modify the specific requirements of this Part for historic buildings and require alternate requirements which will result in a reasonable degree of energy efficiency.

Acts 1997, No. 1120, §1.

## **RS 40:1730.26**

### **§1730.26. Adoption of Commercial Building Energy Conservation Code; enforcement; rules**

A. For commercial buildings in all categories except buildings identified in Group R2 in the State Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code) that are three stories in height or less, ASHRAE/IES 90.1-1989, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code.<sup>1</sup> For applicable buildings, compliance with COMcheck-EZ, as revised by state amendments, shall be deemed to be in compliance with the Commercial Building Energy Conservation Code.

B. For commercial buildings in Group R2 in the State Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code) that are three stories in height or less, the 1995 Model Energy Code developed by the Council of American Building Officials, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code.<sup>1</sup> For applicable buildings, compliance with MECcheck, with state amendments, shall be deemed to be in compliance with the Commercial Building Energy Conservation Code.

C. With the exception of state-owned facilities, statewide enforcement of the provisions of this Part shall be the responsibility of the office of the state fire marshal, code enforcement and building safety. No commercial building shall be constructed, altered, or repaired in Louisiana until building plans, specifications, and energy code compliance documents have been submitted to and reviewed by the state fire marshal for compliance with the Commercial Building Energy Conservation Code.

D.(1) For state-owned facilities, statewide enforcement of the provisions of this Part shall be the responsibility of the facility planning and control section of the division of administration.

(2) No construction shall commence on any new state-owned facility unless the facility planning and control section of the division of administration has determined that the building plans, specifications and energy code compliance documents therefor are in compliance with the Commercial Building Energy Conservation Code.

(3) No alterations or repairs to any existing state-owned facility shall commence unless the facility planning and control section of the division of administration has determined that the building plans, specifications and energy code compliance documents for that portion being altered or repaired are in compliance with the applicable part of the Commercial Building Energy Conservation Code.

E. Parties submitting plans or code compliance documents that appear to the state fire marshal to comply with the provisions of this Part will be furnished with a letter which shall state that the plans appear to be in compliance with the Commercial Building Energy Conservation Code.

F. This letter of apparent compliance from the state fire marshal in no way permits or authorizes an omission or deviation from the provisions of this Part and in no way authorizes or otherwise increases or causes the state to incur any liability for failure to recognize and point out any such omissions or deviations from the provisions of this Part.

G. Parties submitting plans or code compliance documents that appear to the state fire marshal not to comply with the provisions of this Part will be furnished with a letter which shall state that the plans do not appear to comply with the Commercial Building Energy Conservation Code. This letter of apparent noncompliance shall not delay the state fire marshal's normal project review process nor the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

H. Parties receiving a letter of apparent noncompliance shall be entitled to submit revised plans, documentation, or other evidence to the state fire marshal for a reevaluation of the project's compliance with the provisions of this Part. This reevaluation process shall not delay the state fire marshal's normal project review process nor the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

I. The letter of apparent compliance or noncompliance from the state fire marshal shall be kept at the site of the project for as long as the structure is in the process of construction, alteration, or repair.

J. The owners of all structures shall retain this letter of apparent compliance or noncompliance from the state fire marshal in a safe place for as long as the structure is occupied, used, or both.

K. The office of the state fire marshal, code enforcement and building safety shall not be required to retain any copy of the reviewed plans, specifications, energy code compliance documents, or letters of apparent compliance or noncompliance.

L. The state fire marshal and the facility planning and control section of the division of administration shall have the power to promulgate rules and regulations necessary to enforce the provisions of this Part.

M. Nothing in this Part shall be construed to prevent any political subdivision of the state from adopting and enforcing a local commercial building energy conservation code. However, if a commercial building energy code is adopted by any political subdivision of this state, it must adopt the Commercial Building Energy Conservation Code.

N. The provisions of Subsections A and B of this Section shall be replaced or amended on the effective date of a revised Commercial Building Energy Conservation Code promulgated by the state fire marshal as provided in R.S. 40:1730.29, in consultation with the facility planning and control section of the division of administration and the Department of Natural Resources, pursuant to the provisions of the Louisiana Administrative Procedure Act.

O. The Department of Natural Resources shall provide the American Institute of Architects with a computer, computer software, and any other equipment necessary to aid in the submission of plans as required for compliance with the Commercial Building Energy Conservation Code.

Acts 1997, No. 1120, §1.

<sup>1</sup>As appears in enrolled bill.

## **RS 40:1730.28**

### **§1730.28. Commercial Building Energy Conservation Code Advisory Committee**

A. The Commercial Building Energy Conservation Code Advisory Committee shall be established to provide advice and consultation to the office of the state fire marshal, code enforcement and building safety, the facility planning and control section of the division of administration, and the energy section of the Department of Natural Resources in the consideration of revisions or amendments to the energy code.

B. The advisory committee shall be composed of the following members:

- (1) One registered professional engineer.
- (2) One licensed professional architect.

- (3) One individual representing building owners or building managers.
  - (4) One individual representing builders and general contractors.
  - (5) Two individuals representing citizens interested in energy and environmental issues.
  - (6) Two individuals representing building or engineering academia.
  - (7) One individual representing business and industry.
  - (8) One individual representing municipal governments.
  - (9) One individual representing local code enforcement officials.
  - (10) One individual representing electric utilities.
  - (11) One individual representing gas utilities.
  - (12) One individual representing HVAC contractors.
  - (13) One individual representing insulation or window manufacturers.
  - (14) One individual representing the Department of Environmental Quality, selected by the department.
  - (15) One individual representing the Louisiana Public Service Commission, selected by the commission.
  - (16) One individual representing the office of facility planning within the division of administration, selected by the division.
  - (17) One individual representing the Louisiana Senate.
  - (18) One individual representing the Louisiana House of Representatives.
  - (19) One individual representing the office of the governor.
- C. Unless provided otherwise, all members of the advisory committee shall be appointed by and serve at the pleasure of the secretary of the Department of Natural Resources.
- D. The advisory committee shall be convened as necessary by the secretary of the Department of Natural Resources.
- E. Membership on the advisory committee shall be on a voluntary, public service basis. No per diem or expenses shall be paid for service on the advisory committee.
- Acts 1997, No. 1120, §1.

## **RS 40:1730.29**

### **§1730.29. Amendments and revisions to the Commercial Building Energy Conservation Code**

A. The office of the state fire marshal, code enforcement and building safety, in consultation with the facility planning and control section of the division of administration and the energy section of the Department of Natural Resources, shall have the authority to promulgate amendments, revisions, and alternative compliance methods for the Commercial Building Energy Conservation Code, pursuant to the provisions of the Louisiana Administrative Procedure Act. Such amendments, revisions, and alternative compliance methods shall be designed to adapt the energy code to Louisiana's climate, keep pace with changing technology,

implement revisions to the energy code as adopted by ASHRAE/IES, and consider alternative, equivalent, simplified energy codes.

B. Any alternative Commercial Building Energy Conservation Code, and revisions to the existing energy code, worksheets, prescriptive methods, or alternative methods or practices concerning the energy code shall meet the requirements of the EAct. All proposed changes to the Commercial Building Energy Conservation Code shall be submitted to the United States Department of Energy, or subsequent appropriate authority, for review following implementation.

C. All proposed energy code revisions or alternative energy codes must be presented to the Commercial Building Energy Conservation Code Advisory Committee for review and comment.

D. Once promulgated by the state fire marshal, in consultation with the facility planning and control section of the division of administration and the Department of Natural Resources, pursuant to the provisions of the Louisiana Administrative Procedure Act, the revised Commercial Building Energy Conservation Code will replace the provisions of R.S. 40:1730.26(A) and (B).

Acts 1997, No. 1120, §1.

## **RS 40:1730.30**

### **§1730.30. Effective date**

A. The provisions of this Part, with the exception of R.S. 40:1730.31, shall become effective on January 1, 1999. However, compliance with the provisions of this Part, with the exception of R.S. 40:1730.31, shall be optional from July 1, 1998, until the effective date of January 1, 1999. For state-owned facilities, compliance with the applicable provisions of this Part shall become optional from July 1, 1997, until the effective date of January 1, 1999. This delayed implementation date will allow a minimum of eighteen months from the date of passage of this Part for training of building and design professionals, to publicize the merits and requirements of the energy code, to promulgate rules and regulations governing implementation of the energy code, and to develop simplified code documentation materials.

B. The effective date of fees established under R.S. 40:1730.31 shall be January 1, 1998.

Acts 1997, No. 1120, §1.

## **RS 40:1730.31**

### **§1730.31. Fees**

A. The owner of the project who submits the plans and specifications shall pay to the office of the state fire marshal, code enforcement and building safety an energy code plan review fee of twenty dollars. This fee shall cover the costs associated with review of the project to determine applicability of the provisions

of this Part, and if applicable, to determine compliance or noncompliance. This fee shall apply to all plans and specifications submitted to the state fire marshal, regardless of applicability of the provisions of this Part to the particular project.

Plans that are resubmitted under the provisions of R.S. 40:1730.26(H) shall pay an additional twenty dollar fee to the state fire marshal for reevaluation of the project. The provisions of this Section shall not apply to state-owned facilities.

B. The fees provided in this Section shall be in addition to fees imposed under R.S. 40:1574.1.

Acts 1997, No. 1120, §1.

## **RS 40:1730.32**

### **§1730.32. Training and technical assistance**

A. Training and technical assistance in the implementation of the Commercial Building Energy Conservation Code shall be the responsibility of the energy section of the technology assessment division of the Department of Natural Resources.

B. During the 1997-1998 Fiscal Year, the energy section shall conduct a minimum of eight training workshops for building and design professionals on requirements of the Commercial Building Energy Conservation Code. These workshops shall be distributed geographically across the state and shall be sufficiently advertised to provide any prudent person the opportunity to participate. The workshops during this initial one-year period shall be conducted free of charge. Funding for this activity will come from a grant already obtained by the energy section from the United States Department of Energy.

C. During the 1997-1998 Fiscal Year, the energy section shall also develop simplified code implementation materials that can be used to explain the requirements of the energy code and allow for a method of documentation of energy code compliance that is acceptable to the state fire marshal and the facility planning and control section of the division of administration. The materials will be suitably designed for projects in which a design professional may not be involved. After implementation of the energy code, these materials will be distributed by the office of the state fire marshal, code enforcement and building safety through its normal permitting process, or by the facility planning and control section of the division of administration.

D. After July 1, 1998, the energy section shall continue training and technical assistance as funding allows.

Acts 1997, No. 1120, §1.

## **PART V. EQUAL ACCESS TO GOVERNMENTAL AND PUBLIC FACILITIES FOR PHYSICALLY HANDICAPPED**

## **RS 40:1731**

### **§1731. Purposes**

A. The legislature hereby finds that the physically handicapped are denied access to much of the built environment and that this denial of access often prevents the physically handicapped from exercising their rights and privileges as citizens. Denial of access further impairs the ability of the physically handicapped to secure an education, to find and maintain gainful employment, to live independently, and to otherwise participate fully in society. The legislature further finds that a large proportion of the population is physically handicapped and that this state has a moral interest in securing equal rights for all its citizens and an economic interest in the removal of architectural barriers which keep the physically handicapped on public assistance programs and from becoming productive citizens.

B. It is therefore the policy of this state to bring to an end, as quickly as possible, the undue hardship caused by architectural barriers. The state shall enable persons who are physically handicapped to achieve maximum personal independence, to become gainfully employed, and to use and enjoy all buildings and facilities. It is the intent of the legislature to implement the removal or architectural barriers so that the physically handicapped may begin to share equally with the nonphysically handicapped the right to use and enjoy the man-made environment including, but not limited to, places of employment, recreation, entertainment, shopping, and education.

Added by Acts 1977, No. 625, §1.

## **RS 40:1732**

### **§1732. Definitions**

#### **As used in this Part:**

(1) "ADA" means the Americans with Disabilities (Civil Rights) Act of 1990 (Public Law 336).

(2) "ADAAG" means the Americans with Disabilities Act Accessibility Guidelines in effect on September 1, 1994, as adopted by the United States Department of Justice pursuant to the ADA.

(3) "Alteration" means deliberate reconstruction of an existing building in whole or in part in order to bring it up to date in conformity with present uses of the structure and to which other rules and regulations on the upgrading of health and safety provisions are applicable. It shall also include "alteration" as defined in the ADAAG. For purposes of this Part, alteration shall also mean any change in occupancy as defined by the Life Safety Code.

(4) "Building" means a structure to which the general public customarily has access or utilizes as defined in the ADAAG.

(5) "Dwelling unit" means a single unit of residence for a household of one or more persons.

(6) "Fire marshal" means the fire marshal of the state of Louisiana.

(7) "Governmental facility" means a building, structure, or facility designed, constructed, or altered by, on behalf of, or for the use of a quasi public agency, the state, or any agency or department thereof, or any political subdivision or any agency or department thereof.

(8) "Improved area" includes parking lots, curbing, sidewalks, streets, harbors, parks, beaches, public telephones, recreational areas, drinking fountains, camping grounds, and restrooms.

(9)(a) "Public facility" means a commercial facility or a place of public accommodation as such terms are defined in the ADAAG.

(b) A "public facility" does not include a governmental facility.

(10) "Structure" means that which is built or constructed; an edifice or building of any kind; temporary or permanent.

Added by Acts 1977, No. 625, §1. Acts 1984, No. 240, §1, eff. June 30, 1984; Acts 1988, No. 551, §2, eff. Jan. 1, 1989; Acts 1995, No. 880, §1.

{{NOTE: SEE ACTS 1988, NO. 551, §3.}}

## **RS 40:1733**

### **§1733. ADAAG standards**

The Americans with Disabilities Act Accessibility Guidelines in effect on September 1, 1994, as adopted by the United States Department of Justice pursuant to the ADA are hereby adopted, and requirements therein, shall be complied with.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1734**

### **§1734. Accessibility features required of new public facilities or governmental facilities; dwelling units**

A. Any new or altered public facility or governmental facility shall be made accessible pursuant to ADAAG standards subject only to the limitations or exceptions provided for therein. However, any altered public facility or governmental facility shall not be made to comply with Section 4.1.6(2) of the ADAAG standards relative to path of travel.

B. Any dwelling unit in a facility which incorporates more than four dwelling units shall be made accessible in accordance with rules promulgated by the fire marshal pursuant to the Administrative Procedure Act. Such rules shall, at a minimum, provide that at least five percent of the dwelling units in complexes containing more than fifteen units shall be fully accessible to a disabled potential resident.

Added by Acts 1977, No. 625, §1. Acts 1990, No. 459, §1; Acts 1995, No. 880, §1.

## **RS 40:1735**

### **§1735. Public facilities and governmental facilities to display signs**

All public and governmental facilities constructed or remodeled in accordance with ADAAG standards shall display signs indicating entrances, facilities, directions, accommodations for the disabled, and other signs as required by and also in accordance with such standards.

Amended by Acts 1977, No. 625, §1; Acts 1995, No. 880, §1.

## **RS 40:1736**

### **§1736. Obstruction of common or emergency exits prohibited; standards of accessibility; penalty**

A. Any common or emergency exit on the first floor or ground level of any new or altered public or governmental facility shall remain free of any obstruction which would prevent a physically handicapped person from using same. Common and emergency entrances and exits shall conform to the ADAAG standards.

B. Iron posts not used for structural support or similar barricades at common or emergency entrances and exits of public facilities or facilities used by the public that are existing, under construction, or under contract for construction which would prevent a physically handicapped person from using such entrances or exits shall be removed.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1737**

### **§1737. Violations; enforcement by fire marshal**

A. In cases of practical difficulty or unnecessary hardship, the state fire marshal may, after consultation with the office of rehabilitative services, grant exceptions from the literal requirements of the standards and specifications required by this Part or permit the use of other methods or materials. Unless a written exception is granted by the fire marshal, any unauthorized deviation from ADAAG standards shall be rectified by full compliance within ninety days after discovery of the deviation and delivery of a copy of the order requiring remedying of the deviation to the occupant or any person in charge of the premises personally or by registered or certified mail. If no person is found on the premises the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance of the premises.

B. The fire marshal may grant an extension not to exceed sixty days in cases of practical difficulty or unnecessary hardship prior to imposing fines pursuant to R.S. 40:1740.

Added by Acts 1977, No. 625, §1; Acts 1985, No. 804, §1, eff. July 22, 1985; Acts 1995, No. 880, §1.

## **RS 40:1738**

### **§1738. Review of plans and specifications before construction begins**

A. No building permits shall be issued, no state contracts shall be awarded, nor shall any change in new building plans which affect compliance with ADAAG standards be approved concerning any public or governmental facilities until the fire marshal has reviewed and stated that the plans and specifications regarding accessibility appear to him to comply with ADAAG standards.

B. In each case the application for review shall be accompanied by the plans and full, complete, and accurate specifications which shall comply in every respect with any and all requirements prescribed by ADAAG.

C. The application shall be accompanied by a filing fee in accordance with R.S. 40:1574.1(A).

D. The fire marshal shall consult with the office of rehabilitative services in identifying the requirements necessary to comply with this Part.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1739**

### **§1739. Acceptance of completed construction**

Prior to final acceptance of any completed public or governmental facility, for which a permit has been issued under this Part, a certificate stating that the building has been constructed in compliance with ADAAG standards as reviewed by the fire marshal shall be required of the owner, signed by the project architect or project engineer, or, in the event there is no project architect or project engineer, the certificate shall be signed by the owner. The certificate shall be recorded in the mortgage records in the parish where the project is located.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1740**

### **§1740. Enforcement of Part**

A. For purposes of enforcing this Part, in any instance in which the ADAAG standards are not complied with the local building code authorities and the health authorities shall have authority to enforce these standards. Written approval by the fire marshal shall be presumptive evidence of compliance with

ADAAG standards but shall not be considered conclusive and local building code authorities and health authorities shall have the power to review all construction within their jurisdiction to the end that the intent of this legislation shall be enforced.

B. Local building code authorities, health authorities, or any individual may seek an injunction to halt construction or require compliance with ADAAG standards of any public facility or governmental facility which has been constructed or is being constructed in violation of this Part. All actions shall be brought in the district court of the parish in which the public facility or governmental facility, or portion thereof, that is not in compliance, is situated.

Added by Acts 1977, No. 625, §1. Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1988, No. 423, §1; Acts 1995, No. 880, §1.

## **RS 40:1741**

### **§1741. Educational program by the office of rehabilitative services and fire marshal**

Subject to appropriation for such purpose, the office of rehabilitative services and the state fire marshal may provide for educating the public and working with officials of cities, local building code inspectors, parishes, municipalities and other political subdivisions, private architects, designers, planners, and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living. They shall work with architectural schools of the state and the State Board of Architectural Examiners to develop for inclusion in the architecture curriculum a course on barrier free design and to develop for inclusion in the architectural licensing test a section on barrier free design.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1742**

### **§1742. Parking spaces for certain disabled persons**

A.(1) Each state agency and political subdivision having jurisdiction over street parking or a government facility and each owner or lessee of a public facility shall, in accordance with applicable zoning and building codes, provide and maintain a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of persons whose vehicles are identified by license plates, hang tags, or special parking cards for the mobility impaired issued pursuant to R.S. 47:463.4 or 463.4.1. The mobility impaired parking spaces shall adhere to the ADAAG specifications and shall include mobility-impaired loading and unloading areas, access aisles, access ramps, and curb cuts. The minimum number of such parking spaces shall be as established by ADAAG. Public facility, as the term is used in this Section, shall be as defined in R.S. 40:1732, and

shall include private property which is open to the public and to which the public is invited for commercial or governmental purposes.

(2) The fire marshal may, in cases of extreme hardship, waive any provisions of this Section after consultation with the office of rehabilitative services.

(3) Any owner or lessee of a public facility who fails to provide and maintain spaces reserved and designated for the exclusive use of vehicles bearing a special license plate or parking card issued to a mobility-impaired driver free of obstructions shall be fined not more than five hundred dollars.

B.(1) No person shall park any vehicle in a mobility-impaired parking space unless such person has a license plate or hang tag for the mobility-impaired issued pursuant to R.S. 47:463.4 or a properly displayed special parking card issued pursuant to R.S. 47:463.4.1.

(2)(a) The law enforcement officer shall be authorized to issue a citation or take whatever law enforcement action is deemed necessary or both. Furthermore, when an individual found to be in violation of these provisions refuses a request by a law enforcement officer to move the vehicle found in violation, the officer shall be authorized to have such vehicle towed.

(b) The citation shall contain information concerning the nature, date, time, and location of the alleged violation, the state vehicle license plate number, and the make of vehicle. In those cases where a license plate is not visible or legible, the vehicle identification number shall be used in lieu of the state vehicle plate number. The citation shall also contain information advising the person charged of the manner and the time in which he may contest the violation charged in the citation. The citation shall also provide that a failure to timely answer or appear before a court of competent jurisdiction shall be considered a prima facie admission of the violation set forth in the citation, in which the court may assess the appropriate fine or fines and all penalties incidental thereto.

(c) The citation issued pursuant to the provisions of this Subsection shall be personally served upon the operator of the vehicle by affixing the parking citation to the vehicle in a conspicuous place thereon. The original parking citation shall bear the name or initials and identification number of the issuing officer who shall affirm the truth of the facts set forth therein. An operator of a vehicle who is not the owner, but who uses or operates the vehicle with permission of the owner, expressed or implied, shall be considered the agent of the owner to receive the citation required to be served upon the operator or registered owner of a vehicle in accordance with the provisions of this Subsection. When a citation is issued for an alleged violation of the laws governing parking in a mobility-impaired parking space, loading and unloading areas, access aisles, access ramps, and curb cuts, there shall be a rebuttable presumption that a person in whose name the vehicle is registered was the operator of the vehicle when the alleged violation was committed.

(d) In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, or refuses service of the parking citation and drives away from or in any manner leaves the site of the violation, this fact shall be duly noted on the original and all copies of the parking citation. This original and all copies of a parking citation shall constitute a business record of the law enforcement agency issuing the citation and shall constitute prima facie evidence that the citation was issued and that an attempt at service was made in accordance with the provisions of this Subsection.

(3) The first violation of the provisions of this Subsection shall be punished by a fine of two hundred seventy-five dollars. A subsequent violation shall be punished by a fine of five hundred dollars.

(4) If the violator is other than an individual, a fine of five hundred dollars shall be imposed.

(5) In addition to such fine, the violator may also be required to pay the towing fee and any storage costs which are incurred.

(6) The state of Louisiana shall recognize parking cards or other removable windshield placards and special license plates which have been issued by authorities of other states and countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for the mobility-impaired.

(7) No fine issued pursuant to this Section shall be reduced or suspended.

C. Subsection B of this Section shall not be construed to affect or preempt any ordinance of any local governmental subdivision or to prohibit any local governmental subdivision of the state from adopting ordinances regulating mobility-impaired parking which ordinances may provide for penalties and enforcement as deemed appropriate by the local governing authority. The governing authorities of local governmental subdivisions may adopt such ordinances pursuant to R.S. 32:41 or 42, R.S. 33:1236(28), any applicable provisions of a home rule charter, or any other applicable provision of law.

Except as provided in R.S. 46:2583(A)(2), the provisions of local ordinances shall control in all aspects of enforcement of such ordinances.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 573, §1; Acts 1995, No. 880, §1; Acts 1997, No. 278, §1, eff. June 17, 1997; Acts 1999, No. 1307, §2, eff. July 12, 1999; Acts 2001, No. 508, §1, eff. June 21, 2001.

## **RS 40:1742.1**

### **§1742.1. Additional fine for enforcement of mobility-impaired parking regulations**

In addition to all fines, fees, costs, and punishment authorized for violation of mobility-impaired parking regulations, any parish or municipality which institutes a formal handicapped parking enforcement program to assist the law enforcement agency in enforcing such regulations may, by ordinance, provide for and enforce an additional twenty-five dollar fine for each violation of such

regulations. The proceeds of such additional fine shall be used by such parish or municipal governing authority exclusively to fund such program.

Acts 1999, No. 1307, §2, eff. July 12, 1999.

## **RS 40:1743**

### **§1743. Penalties**

Any person who violates, or fails to comply with, the provisions of this Part except those violations under R.S. 40:1742(B) shall be subject to penalties described in R.S. 40:1621.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **RS 40:1744**

### **§1744. Compliance with ADA**

Nothing in this Part shall be construed to relieve any person of his responsibility to comply with the ADA.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

## **TITLE 49**

### **SUBPART D. PUBLIC BUILDINGS--USEABILITY BY PHYSICALLY HANDICAPPED**

## **RS 49:148**

### **§148. Construction and design of state owned buildings; handicapped persons**

The standards and specifications set forth in this Section shall apply to all state owned buildings, educational institutions and office buildings which are constructed, renovated or remodeled in whole or in part by the use of state funds, or the funds of any board, commission, agency or department of the state; provided, however, that the provisions of this Sub-Part shall not apply to buildings constructed by parish or city school boards. All such buildings and facilities constructed, renovated or remodeled in this state after July 27, 1966 shall conform to each of the standards and specifications prescribed herein for the purpose of making such buildings and facilities accessible to and usable by the physically handicapped, or standards and specifications reasonably similar thereto.

Added by Acts 1966, No. 204, §1.

## **RS 49:148.1**

**§148.1. Specifications for grounds, buildings and facilities**

A. All public walks shall be at least forty-eight inches wide and shall have a gradient not greater than five percent. These walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least five feet by five feet, if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least three feet deep and five feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway.

B. At least one parking area shall be made accessible to the building by either placing it at the grade level of the building or providing ramps at curbs or steps between the parking area and the building.

C. Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) The ramp shall not have a slope greater than one foot rise in twelve feet, or 8.33 per cent, or four degrees fifty minutes.

(2) The ramp shall have handrails on at least one side, and preferably two sides. The top of handrails shall be thirty-two inches above the surface of the ramp and shall extend one foot beyond the top and bottom of the ramp.

(3) The ramp shall be at least thirty-two inches wide (inside clear measurements) and have a surface that is nonslip.

(4) If a door swings out onto the platform or toward the ramp, the platform of the ramp shall be at least five feet by five feet. This platform shall be clear of door frame.

(5) If the door does not swing onto the platform or toward the ramp, this platform shall be at least three feet deep and five feet wide. This platform shall be clear of door frame.

(6) The bottom of the ramp shall have at least a six foot level run.

(7) Where the ramp exceeds thirty feet in length, level platforms shall be provided at thirty foot intervals. Level platforms shall also be provided at turns in the ramp. Platforms shall be at least thirty-two inches wide by five feet long.

D. Each building shall have at least one entrance which is accessible to individuals in wheelchairs. If the building is to be equipped with elevators, this entrance shall provide access to elevators either on a level plane or by ramp.

Doors shall have a clear opening of no less than thirty-two inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door.

Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the door.

E. Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails thirty-two inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least eighteen inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven inches.

F. Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accord with Subsection C of this Section.

G.(1) An appropriate number of toilet rooms shall be accessible to, and usable by, the physically handicapped and shall have space to allow traffic of individuals in wheelchairs.

(2) An appropriate number of toilet rooms shall have at least one toilet stall that: (a) is four feet and four inches wide, (b) is at least four feet eight inches, preferably five feet, deep, (c) has a door, where doors are used, that is thirty-two inches wide and swings out, (d) has handrails on each side, thirty-three inches high and parallel to the floor, one and one-half inches in outside diameter, with one and one-half inches clearance between rail and wall, and fastened securely at ends and center, and (e) has a water closet with the seat 20 inches from the floor.

(3) An appropriate number of toilet rooms shall have narrow aprons, which when mounted at standard height are usable by individuals in wheelchairs; or shall have lavatories mounted two inches or more from the wall and thirty-one inches from bottom rim to floor for knee space and accessibility to individuals in wheelchairs.

(4) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than forty inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(5) An appropriate number of toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin nineteen inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(6) An appropriate number of toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than forty inches from the floor.

H. An appropriate number of water fountains or other water-dispensing means shall be mounted thirty inches above the floor and in a way which will make them usable by the physically handicapped. Water fountains or coolers shall be hand-operated or hand-and-foot operated.

I. Where elevators are to be provided they shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public. Elevators shall be designed to allow for traffic by wheelchairs.

J. Switches and controls for light, heat, ventilation, windows, draperies, elevators, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

K. Every effort shall be exercised to obviate all hazards to individuals with physical disabilities.

L. In addition to the requirements contained in Subsections A through K of this Section, each building to which this Sub-Part applies shall comply with the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, as approved on October 31, 1961 by the American Standards Association.

Added by Acts 1966, No. 204, §1.

## **RS 49:148.2**

### **§148.2. Enforcement of Subpart**

A. The state fire marshal shall be responsible for enforcement of R.S. 49:148 and 49:148.1. When conducting inspections authorized by R.S. 49:148 and 49:148.1 the authorized agents of the state fire marshal shall determine whether each building covered by R.S. 49:148 has met the specifications set forth in R.S. 49:148.1. If the state fire marshal or his agents find that the specifications set forth in R.S. 49:148.1 are not met, the state fire marshal shall order the state board, commission, department or agency responsible for the construction, remodeling or renovation of the building to make the necessary alterations within a reasonable time specified by the state fire marshal. No construction, remodeling or renovation shall be finally accepted by the authority ordering it unless the state fire marshal has furnished the authority with a certificate attesting that the construction, remodeling or renovation has met the standards set forth in this Sub-Part.

B. On projects where compliance with any regulation of this Sub-Part is judged by the project architect or engineer to be unreasonable, the architect or engineer may so notify the contracting authority in writing, in which event the contracting authority may authorize in writing a deviation from the compliance with such regulation.

Added by Acts 1966, No. 204, §1.

## **RS 49:148.3**

### **§148.3. Construction by political subdivisions, private enterprise**

In the public interest, it is hereby urged that all political subdivisions of the state and all private enterprise make an effort to adhere to the structural standards herein stated in the construction, remodeling and renovation of buildings used by the public.

Added by Acts 1966, No. 204, §1.

## **TITLE 51**

### **PART VII A. FIREWORKS**

#### **RS 51:650**

##### **§650. Definitions**

As used in this Part, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Assembler" means any person engaged in the making of fireworks from component parts.

(2) "Distributor" means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or a retailer or both.

(3) "Importer" means any person who imports, brings in, or causes to be brought in any fireworks from outside the state of Louisiana into the state of Louisiana. "Importer" does not include a jobber or retailer who purchases fireworks from a distributor domiciled in Louisiana and who subsequently stores the fireworks in a warehouse outside of Louisiana with the intention of bringing the fireworks back into Louisiana after a short period of time to be distributed to other retailers in Louisiana or to be used in the purchaser's retail business.

(4) "Jobber" means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail.

(5) "Manufacturer" means any person engaged in making or construction of pyrotechnic compounds or component parts.

(6) "Person" includes any firm, corporation, association, co-partnership, or one or more individuals.

(7) "Retailer" means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.

(8) "Sale" includes barter, exchange, or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(9) "Proximate display" includes all indoor displays and means a pyrotechnic public display involving the ignition of Fireworks 1.3G or Fireworks 1.4G for public viewing, where the audience is closer to the pyrotechnic devices than permitted by NFPA 1123 Code of Fireworks Display. The term does not include the use of Fireworks 1.4G by a retail consumer for private or personal viewing.

(10) "Public display" means the display of 1.4S, 1.4G, or 1.3G fireworks for any purpose relating to the amusement of the general public.

(11) "Pyrotechnic operator" means an individual who, by experience and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising public displays of Fireworks 1.3G.

(12) "Pyrotechnic special effects operator" means an individual who, by experience and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising proximate displays of Fireworks 1.3G, 1.4G, and 1.4S.

Acts 1958, No. 63, §7. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2003, No. 398, §2.

## **RS 51:651**

### **§651. Sale or use of permissible fireworks**

A. It shall be unlawful for any individual, firm, partnership, or corporation to possess, sell, or offer for sale or use within the state of Louisiana any pyrotechnics commonly known as fireworks other than the permissible fireworks.

Permissible fireworks, formally known as Class "C" "common fireworks", consist of United States Department of Transportation classification codes UN 0336, 1.4G, or 1.4S and in addition includes "consumer fireworks" as defined by The Consumer Product Safety Commission and shall mean such articles of fireworks as are enumerated or may hereafter be enumerated by the United States Code of Federal Regulations: 49 CFR 173: Regulations of United States Department of Transportation for the transportation of explosives and other dangerous articles; 27 CFR 55: The Bureau of Alcohol, Tobacco and Firearms regulations of the commerce of explosives; and 16 CFR 1507: Consumer Product Safety Commission regulation of hazardous substances. In addition, any of the following enumerated devices shall also be permissible fireworks:

(1) Permissible fireworks spark showering devices, which include the following defined items:

(a) "Cone fountain": A cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. When more than one cone is mounted on a common base the total pyrotechnic composition may not exceed two hundred grams.

(b) "Cylindrical fountain": A cylindrical tube containing not more than seventy-five grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed two hundred grams.

(c) "Flitter sparkler": A narrow paper tube attached to a stick or wire and filled with not more than five grams of pyrotechnic composition.

(d) "Ground spinner": A small device, which vents out of the orifice usually located on the side of the tube, composed of not more than twenty grams of pyrotechnic composition.

(e) "Illuminating torch" (either spike base or hand held): A cylindrical tube containing not more than one hundred grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed two hundred grams.

(f) "Pyrotechnic wheel device": One or more drivers in the form of a wheel which may be attached to a post or a tree by means of a nail or string. Each driver may contain not more than sixty grams of pyrotechnic composition. No wheel may contain more than two hundred grams total of pyrotechnic composition.

(g) "Toy smoke device": A small plastic or paper item, containing not more than one hundred grams of pyrotechnic composition, that upon ignition produces white or colored smoke as the primary effect and is classed as 1.4G unless classed as 1.4S or is not regulated as explosives on the basis of examination and testing as specified in Part 173.56 of Title 49, Code of Federal Regulations.

(2) Permissible aerial devices shall include the following fireworks:

(a) "Helicopter aerial spinner": A spinning device composed of a tube attached to a propeller or blade, which shall contain not more than twenty grams of chemical composition.

(b) "Mine or shell": A tube device made of heavy cardboard or paper attached to a wooden or plastic base and containing not more than twenty grams of chemical composition plus not more than twenty grams of lift charge and not more than one hundred thirty milligrams of explosive composition per report. Total chemical composition, including lift charges, of any multiple tube device may not exceed two hundred grams.

(c) "Missile-type rocket": A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than twenty grams of total chemical composition.

(d) "Roman candle": A tube device containing not more than twenty grams of chemical composition and not more than ten balls per tube.

(e) "Sky rockets" and "bottle rockets": Cylindrical tubes containing a total propellant charge each of more than four grams but less than twenty grams of chemical composition, a casing size of not less than five-eighths of an inch in outside diameter and a casing length of not less than two and seven-eighths inches, with an overall length of fifteen inches including the stick or greater length so as to assure stable flight, which shall be securely fastened by glue, staples, or wire or any other means which ensures the casing is securely attached to allow the stick to remain firmly attached during transportation, handling, and normal operation to the casing. Any sky rocket or bottle rocket which does not meet the requirements set forth in this Subsection shall be illegal.

(3) Permissible audible ground and audible aerial devices shall include the following fireworks:

(a) "Firecracker": An audible ground device wrapped in paper or contained within a cardboard tube which has an explosive composition of not more than fifty milligrams.

(b) "Multiple tube fireworks": Any audible aerial devices containing more than one cardboard tube, which shall not contain more than two hundred grams of total pyrotechnic composition, unless the tubes are securely attached to a wood or plastic base or other suitable base and the tubes are separate from each other on the base by a distance of at least half an inch (12.7 millimeters). The maximum total weight for any multiple tube device shall not exceed five hundred grams of pyrotechnic composition.

(4) Any component of any device enumerated as permissible fireworks in this Subsection that is designed to produce an audible effect other than a whistle shall not contain pyrotechnic composition in excess of two grains in weight, excluding propelling or expelling charges and no charge shall exceed one hundred thirty milligrams of explosive composition per report.

B. Any person who violates the provisions of this Section for the first time shall be fined two hundred fifty dollars by the fire marshal. For a second violation, the fire marshal shall fine the violator five hundred dollars. For a third violation within a thirty-six-month period, the fire marshal shall impose a penalty of no less than one thousand dollars and shall suspend or revoke the permit of the violator. Any permit suspended or revoked for a third violation shall not be renewed or reissued for a period of twenty-four months, and any person whose name appears on a permit which has been suspended or revoked shall not be allowed to apply for a new permit for a period of twenty- four months. Any person sanctioned for violating the provisions of this Section shall be entitled to reasonable notice and a hearing in accordance with the Administrative Procedure Act.

C. The provisions of this Section shall not apply to fireworks possessed, stored, or warehoused within the state of Louisiana for distribution and sale outside of the state of Louisiana.

Acts 1958, No. 63, §1. Amended by Acts 1960, No. 424, §1; Acts 1981, No. 928, §1; Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001.

## **RS 51:651.1**

### **§651.1. Possession, sale or use of certain fireworks prohibited**

A. The provisions of R.S. 51:651 shall not be construed to authorize the possession, sale, use, or shipment into the state of the types of fireworks which are specifically prohibited by this Section.

B. It is unlawful for any person in the state of Louisiana to possess, sell, or use for any purpose whatsoever any of the following items of commercial

fireworks: cherry bombs, tubular salutes, two-inch American-made salutes, firecrackers with casings the external dimensions of which exceed one and one-half inches in length or one-quarter of an inch in diameter, repeating bombs, aerial bombs, torpedoes which exceed three-eighths of an inch in diameter, Roman candles larger than ten ball, and sky rockets larger than six ounces. It is also unlawful for any person to ship into the state of Louisiana any of the above mentioned items for any purpose whatsoever.

C. The items of commercial fireworks enumerated in this Section shall not be considered as public display fireworks within the meaning of R.S. 51:655.

D. Whoever violates this Section shall, upon conviction, be fined not more than one thousand dollars or imprisoned, with or without hard labor, for not more than two years, or both.

Added by Acts 1962, No. 456, §1. Acts 1984, No. 918, §1, eff. July 20, 1984

## **RS 51:652**

### **§652. Proper naming; certification on shipping cases; time for selling; exceptions; sale and storage in homes prohibited**

A. No permissible articles of consumer fireworks enumerated in R.S. 51:651 shall be sold, offered for sale, or used in the state of Louisiana, unless it shall be properly named to conform to the nomenclature of R.S. 51:651 and unless it is certified on all shipping cases and by imprinting on the article or retail container "United States Department of Transportation UN 0336, 1.4G, 1.4S or consumer fireworks". Such imprint shall be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

B. Permissible items of fireworks, enumerated in R.S. 51:651 may be sold at retail from noon June twenty-fifth through midnight July fifth and noon December fifteenth through midnight January first of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, and the sale and use of which shall be permitted at all times.

C. Fireworks shall not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons.

Acts 1958, No. 63, §§2, 3; Amended by Acts 1981, No. 928, §1; Acts 1987, No. 401, §1, eff. Jan. 1, 1988; Acts 2001, No. 667, §1, eff. June 25, 2001.

## **RS 51:653**

### **§653. Storing and displaying of fireworks**

A. The placing, storing, locating or displaying of fireworks in any place where the sun may shine through glass, which is not tinted, onto the fireworks is prohibited. The presence of lighted cigars, cigarettes, or pipes within ten feet of where the fireworks are offered for sale is prohibited. At all places where fireworks are stored or sold there shall be signs posted with the words "Fireworks ..... No Smoking" in letters not less than four inches high.

B. The physical facility such as a fireworks stand, retail fast food outlet, or any other similar facility where fireworks are sold, offered for sale, or stored shall be located not less than fifty feet from any facility or mechanism where inflammable liquids are dispensed or stored above ground or where paint, oil, varnish, resin, turpentine, or other inflammable substances which may generate inflammable vapors are used, stored, or sold. No fireworks shall be exploded within seventy-five feet of any facility or mechanism where inflammable liquids are dispensed or stored above ground or within seventy-five feet of any location where fireworks are stored, sold, or offered for sale.

C. No open flame heating devices shall be permitted in any location where fireworks are sold at retail.

D. No sleeping shall be permitted in a facility where fireworks are sold, offered for sale, or stored.

E. There shall be a minimum of one unobstructed exit in any place where fireworks are sold at retail or offered for sale at retail or stored.

F. In any retail outlet except those that sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within ten feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.

G. A facility for the sale at retail or storage of fireworks shall be located not less than twenty-five feet from a public roadway and shall not in any case be located on any public right of way.

H. The wiring in any facility for the sale at retail or storage of fireworks shall be in compliance with the National Electrical Code.

I. Any facility for the sale at retail or storage of fireworks shall have available one serviceable fire extinguisher in accordance with the regulation of the National Fire Protection Association and Louisiana Administrative Code 17-4:21.

Acts 1958, No. 63, §4. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001.

## **RS 51:654**

**§654. Sales to children under fifteen or to intoxicated or irresponsible persons prohibited; unlawful discharge; minimum age for employee; penalties**

A. No person shall offer to sell or sell fireworks to a child known to be under the age of fifteen years or to any person known to be intoxicated or any person known to be irresponsible.

B. No person shall explode or ignite fireworks within one thousand feet of any church, hospital, asylum, school, public building, or fireworks retail location.

C. No person shall ignite or discharge fireworks in a motor vehicle or throw fireworks from a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

D. No person shall place an ignited article of fireworks in or throw an ignited article of fireworks at a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

E. No minor under the age of seventeen shall be employed in a facility where fireworks are sold at retail without complying with the regulations of the Louisiana Department of Labor. The minor shall be subject to the restrictions placed on the number of hours of employment permitted minors by the Louisiana Department of Labor.

Acts 1958, No. 63, §5. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1992, No. 447, §4; Acts 2001, No. 667, §1, eff. June 25, 2001.

**RS 51:655**

**§655. Fireworks for public displays; permits; fee; adoption of rules and regulations**

A.(1) Nothing in this Part shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Fireworks which are to be used for public display only and which are otherwise prohibited for retail sale and use within the state shall include all items of fireworks designated by the regulations of the United States Department of Transportation as class "UNO335, 1.3G Display Fireworks" and shall consist of any items not enumerated and classified as permissible in R.S. 51:651. Fireworks that are to be used for public display only must at all times be kept in the possession of those responsible and be stored in an appropriate storage in accordance with the regulations of the National Fire Protection Association, Pamphlet 44A, 1983, or any subsequent amended editions thereof that are adopted by the state fire marshal. Fireworks that are to be used for public display must be confined to that use only.

(2) Purchase, storage, and transportation of fireworks used for public display shall be governed by R.S. 40:1472.1 et seq. Fireworks that are to be used for public display shall, from the time of issuance of a permit by the fire marshal

and upon placement at the site of display, be appropriately stored in accordance with the National Fire Protection Association, Pamphlet 44A, as adopted by the state fire marshal.

B.(1) A person, firm, corporation, or other legal entity desiring a permit for a public display may either apply to the office of state fire marshal or to a certified local authority certified under the provisions of R.S. 40:1563, which application shall be received by either the state fire marshal or the certified local authority at least five days prior to the event. The application shall contain the following information in the form of an affidavit sworn to and subscribed to before a notary public:

(a) The date, time, and place of the public display including the length of time of the display.

(b) All fire prevention plans and provisions that will be in force and all fire prevention personnel and equipment available to assure safety of the public attending the public display.

(c) A copy of the permit issued by the office of state fire marshal to the distributor who will be supplying or conducting the public display to assure the state fire marshal or his certified local authority that the fireworks and the actual presentation and conduct of the public display will not endanger the public safety.

(2) The fee for application for a permit for a public display shall be one hundred dollars and shall be used to offset the cost of processing the permit request and cover the expense of on-site inspections.

C. No person, firm, or corporation supplying fireworks for public display shall ship, sell, possess, or use fireworks designed for public display unless the supplier has obtained a distributor's permit as provided in R.S. 51:656. No person, firm, or corporation holding a permit for a public display may obtain fireworks for use in any public display from any person, firm, or corporation that has not obtained a distributor's permit as provided in R.S. 51:656.

D. The state fire marshal is authorized to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to ensure that the supplier of the fireworks and the holder of a public display permit will adequately protect the public safety.

E.(1) Applicants for a pyrotechnic operator license or pyrotechnic special effects operator license shall take a written examination and obtain a passing grade of at least seventy percent. Persons holding a valid blaster's license, as described in R.S. 40:1472.1 et seq., on September 30, 2003, may forego the written examination by the demonstration of practical tests or documentation deemed necessary by the state fire marshal to determine the applicant's knowledge and ability. The content, type, frequency, and location of the examinations shall be set by the state fire marshal.

(2) Applicants who fail may refile and take a reexamination.

(3) A licensee whose license has been expired for two years or more and makes application for a new license must retake and pass the written examination.

(4) A license shall not be issued to any person if any of the following apply:

(a) The applicant is a convicted felon.

(b) The applicant fails to meet the requirements of Paragraph (1) of this Subsection.

(c) The applicant has not assisted in conducting at least five permitted public displays and has not served as lead operator on at least one permitted public display in this state, under the direct supervision of and verified in writing by a pyrotechnic operator or pyrotechnic special effects operator licensed in Louisiana.

(d) The applicant is under the age of twenty-one years.

(5) A conviction or a plea of guilty or nolo contendere shall not constitute an automatic disqualification as otherwise required pursuant to Paragraph (4) of this Subsection, if more than ten years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole, or Code of Criminal Procedure Article 893 or equivalent judicial dismissal process granted.

(6) The pocket license document issued along with the regular license document is for identification purposes only and must be carried by the licensee when engaged in the business.

(7) The license shall be good for a period of one year from the date of issue.

(8) The cost of the license shall be fifty dollars for a new license and twenty-five dollars for renewals.

Acts 1958, No. 63, §6. Amended by Acts 1981, No. 928, §1. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001; Acts 2003, No. 398, §2.

## **RS 51:656**

### **§656. Permit to sell fireworks; application; fees; permit numbers**

A. It shall be unlawful to sell, construct, or manufacture any items of fireworks without first obtaining a permit therefor to be issued by the state fire marshal.

B.(1) Prior to engaging in the sale of fireworks, an applicant shall submit to the state fire marshal an application on a form provided by the state fire marshal on or before April first of each year setting forth any facts and information as the state fire marshal may determine necessary and proper considering the requirements of public health, safety, and welfare. Prior to obtaining and in order to maintain a permit, the facilities of the permittee shall comply with the applicable provisions of the Life Safety Code and subsequent referenced standards as adopted by the state fire marshal under the requirements of R.S. 40:1578.6.

(2) The retail permit shall be effective for purchases of wholesale fireworks, and the permit shall be effective from the date of issuance through midnight December thirty-first of the applicable year. No retailer's permit shall be issued under this Part from June twenty-fifth through July fifth nor from December fifteenth through January first of each year. All other permits issued under the provisions of this Section shall be valid from the date issued through midnight April first of the ensuing permit year. All applications filed after April first shall be assessed a late fee equal to the amount of the permit required by this Section.

C.(1) The applicant shall pay a permit fee for each type of business conducted and for each location at which the business is conducted, according to the following schedule:

(a) Manufacturer	\$ 10,000.00
(b) Assembler	\$ 1,000.00
(c) Distributor	\$ 2,000.00
(d) Importer	\$ 500.00
(e) Jobber	\$ 250.00
(f) Retailer	\$ 100.00

(2) Permit fees are due at the time of application to the state fire marshal and shall be used to pay for the cost of processing the application. Permit fees are not refundable if the application is denied.

(3) The retailer's permit fee imposed under Paragraph (1) of this Subsection shall be used to pay the costs of processing the application and inspecting the retail premises by the office of state fire marshal, code enforcement and building safety.

D. The state fire marshal shall assign a permit number to each permit issued. The person to whom the permit is issued shall affix this number to all invoices issued or used by each manufacturer, assembler, distributor, importer, jobber, and retailer.

E. It shall be unlawful for a jobber or retailer who holds a permit issued under this Part to purchase fireworks from a distributor domiciled outside the state of Louisiana unless that distributor can show proof that he holds a valid permit issued under this Part to perform the functions of a distributor and importer. If the distributor does not hold a valid permit then the jobber or retailer shall become liable for the permit and shall immediately purchase a permit from the office of state fire marshal.

Added by Acts 1958, No. 63, §8; Amended by Acts 1960, No. 424, §2. Acts 1983, 1st Ex. Sess., No. 33, §5, eff. Jan. 19, 1983; Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1987, No. 401, §1, eff. Jan. 1, 1988; Acts 1991, No. 589, §1; Acts 1991, No. 614, §1; Acts 2001, No. 667, §1, eff. June 25, 2001.

**RS 51:657**

**§657. Persons and uses excepted**

Nothing in this Part shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

Acts 1958, No. 63, §9. Amended by Acts 1962, No. 456, §2.

**RS 51:658**

**§658. Penalties**

A.(1) No manufacturer, assembler, distributor, importer, jobber, or retailer shall operate within the state of Louisiana without proper permit.

(2) A person found operating within the state of Louisiana without a proper permit shall immediately cease the sale of fireworks upon the lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official until such time as an application for permit has been made to the state fire marshal as required in R.S. 51:656 and subsequently granted. The application for a retail permit shall be notarized and shall attest that each location on the application is situated in a jurisdiction which allows legal retail fireworks sales, that no open flame heating devices are located at any listed location, that there are no facilities for sleeping and sleeping is not allowed in any listed location, and that no listed location is used for residential purposes or for other than the purpose of making retail sales of fireworks. Violation by transmission of a false statement or false representation of any information required by this Paragraph may be prosecuted pursuant to R.S. 14:125 and shall be the basis for revocation of all permits held by the applicant.

(3) The refusal of any person to cease sales and obtain a permit or the failure of any person to comply with a lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official, may be cause for the seizure of any merchandise and equipment of the person found in violation at any physical location. Those items seized shall be retained until otherwise directed by a court of competent jurisdiction. If the state fire marshal, a certified local authority of the fire marshal, or a local law enforcement official is not otherwise ordered by a court of competent jurisdiction within ninety days of the date of seizure to return the items seized, then the state fire marshal, certified local authority, or local law enforcement official may destroy or dispose of the seized items in such a manner which, in their discretion, they deem suitable in order to protect the public safety.

B. A person who violates any provision of this Part, with the exception of the penalties specifically imposed herein, shall upon conviction be subject to a fine

of not more than one thousand dollars or imprisonment for not more than six months, or both. Each day's violation constitutes a separate offense and may be punished as such at the discretion of the court. Each separate physical location in violation of this Part also constitutes a separate offense and may be punished as such at the discretion of the court.

Acts 1958, No. 63, §10; Amended by Acts 1962, No. 456, §2. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1987, No. 401, §1, eff. Jan. 1, 1988; Acts 2003, No. 398, §2.

## **RS 51:659**

### **§659. Local licensing by parish or municipality**

The governing authority of a parish or municipality is authorized to require and issue local licenses to retailers, similar to permits issued by the state fire marshal, and may charge and collect fees not in excess of the fees authorized for collection by the state fire marshal pursuant to this Part. However, any parish or municipality which on January 1, 1984, was charging a fee in excess of the fee authorized by this Section shall be permitted to continue to charge and collect such fee.

Acts 1958, No. 63, §11. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1985, No. 612, §1, eff. July 16, 1985.

## **RS 51:660**

### **§660. Local governing authorities; regulation or prohibition of sale, use, and possession of pyrotechnics or fireworks**

The governing authority of a parish or municipality is hereby authorized to regulate or prohibit the sale, use, and possession of pyrotechnics commonly known as fireworks in conformity with the provisions of this Part.

Added by Acts 1981, No. 98, §3, eff. July 1, 1981. Acts 1984, No. 918, §1, eff. July 20, 1984.

